

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1260 SCRA SB 44 - SB 64 1260

MAYOR'S OFFICE  
EXT. 211

ADMINISTRATION AND FINANCE  
EXT. 210

ASSESSING  
EXT. 275

PLANNING DEPARTMENT  
EXT. 245

PUBLIC SAFETY  
EXT. 233

PUBLIC WORKS DEPARTMENT  
EXT. 250

HEALTH AGENCY  
EXT. 265

**NORTH SLOPE BOROUGH**

P. O. BOX 69  
BARROW, ALASKA 99723

TELEPHONE (907) 852-2611

CONTROLLER  
EXT. 260

ACCOUNTING  
EXT. 239

PURCHASING DEPARTMENT  
EXT. 214

ENVIRONMENTAL SECURITY  
EXT. 255

PERSONNEL  
EXT. 232

PHYSICAL PLANT  
EXT. 244

HOUSING AGENCY  
EXT. 204

January 30, 1981

*File  
- SB 44  
in*

Senator Don Gilman, Chairman  
Senate Community & Regional Affairs Committee  
Alaska State Senate  
Pouch B  
Juneau, Alaska 99811

Re: SB 44, Local Government Assumption of Public Defender Costs

Dear Senator Gilman:

I would like to express my displeasure with Senate Bill 44 which is an attempt to shift State Public Defender costs to the local municipalities of the state. This bill would require municipalities to fund the cost of providing counsel to indigent persons charged with violation of municipal ordinances.

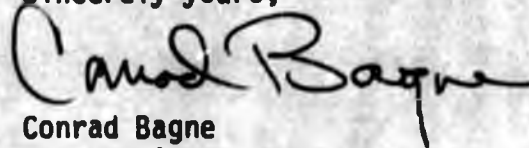
I believe the state should continue to provide public defender services whether counsel is required to defend alleged violation of state or municipal law. This is a right that should not be taken lightly and should be maintained through a state program. Nonetheless however, the importance of this right to the individual does not overshadow the potential fiscal impact upon communities having to bear such a burden. Placing this burden on local municipalities seems inconsistent with the general efforts in the legislature to remove fiscal burdens at the local level and provide for direct state funding to local governments. Furthermore, this shift would tend to frustrate efforts to further advance local self government in the State of Alaska. As a seasoned local government official, you can well appreciate the hesitency local councilmen would have in funding both the prosecution and defense of criminal sanctions. There direction may simply be to continue citations under state law to avoid local impacts. This is inconsistent with both efforts to foster strong local government in the State of Alaska and with the attempts of the state to be sensitive to variations of local values and priorities. Having to cite to a single state statute or regulation in all parts of the state would not allow for acknowledgement of local variations in values and priorities.

I do not feel that the change suggested by Senate Bill 44 is warranted

Senator Don Gilman  
Senate Community & Regional Affairs Committee  
January 30, 1981  
Page two

at this time. I would urge that this legislation not be adopted. If I can be of further assistance in this matter please do not hesitate to call on me.

Sincerely yours,

A handwritten signature in cursive script that reads "Conrad Bagne". The signature is written in dark ink and is positioned above the printed name and title.

Conrad Bagne  
Borough Attorney

cc: NSB Mayor's Office

CB/vs



## THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

LAW DEPARTMENT (907) 586-3300

February 11, 1981

Senator Donald E. Gilman, Chairman  
Senate Community & Regional Affairs  
Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

File: 1981 Legislature

Subject: Senate Bill 44, Public Defender Costs

Dear Senator Gilman:

Please consider the following comments if your committee brings up Senate Bill 44 for consideration again.

It appears that the Department of Administration and the public defender have different views of the effect of the passage of this Bill. The public defender's testimony before your committee indicated that the Bill would help alleviate what he perceives to be a shortage of staff attorneys in his office. The new revenue to be derived from the municipal contracts would be used to fund new positions. The administration representative, on the other hand, testified that the Bill would have no fiscal impact. If the Bill has no fiscal impact then there can be no increase in positions in the public defenders office.

If the problem is one of being short of staff attorneys, the problem and the solution are no different from that faced by any other state or local government department...the department head must convince the appropriating authority that it needs additional funds to perform its present function properly. If the level of performance of the public defender is satisfactory at present, a new source of revenue without an attendant increase in duties will not justify an increase in staff. If there is an increased work load compared to the preceding year which is related to a new duty, then a justification for increased staff positions may exist. Here, for a number of years, the public defender has had the duty of defending indigents accused of municipal ordinance violations. The passage of Senate Bill 44 will not create any new duties for his office. If he is short handed i.e. should be able to justify increased positions on the basis of his present work load. If, on the other hand, the

passage of the Bill has the effect of reducing his work load, his staff, like the staff of any other government department or agency is ripe for a reduction.

The probable actual effect of passing this Bill are very important. Please bear in mind that municipalities do not have the non-tax revenue sources which are available to the state and most of us are still struggling in an attempt to keep tax levies from rising. If the Bill passes, municipalities will have to budget an additional amount for professional services contracts with the public defender's office. In order to minimize the financial impact on the municipality, the municipality will undoubtedly exercise its charging discretion to charge an accused with a state offense rather than a parallel municipal offense. For each such case which would have previously been brought as a municipal charge the public defender will still be defending the case. In addition, instead of the municipality bearing the expense of the prosecution, the state district attorney's office will be bearing the burden of prosecution. Thus, if the municipality shifts only one-half of its indigent cases to the State of Alaska for prosecution, the increased burden placed on the district attorney will approximately equal the amount paid to the public defender by the municipality for defending the remainder of the cases...and the public defender will be defending these new state cases without compensation from the municipality. If, somehow, the municipality were to be able to bring all charges against indigents under state statutes, the public defender would not only remain in precisely the same position he is in without Senate Bill 44, but the district attorney's office would pick up the new burden of prosecuting such cases. This is hardly a desirable effect from the standpoint of the State.

Rather than shifting all of a certain type of charge to a parallel state statute, it may be that municipalities will instead, or additionally, respond by directing police either to make all charges against persons they suspect to be indigent on a state statute or not to charge indigents at all. Another response would be for the municipality to dismiss charges as soon as an indigent requests the public defender. In my opinion, dropping a charge or not bringing the charge solely because a person is indigent is an inappropriate public policy and the legislature should not establish a relationship between the public defender and municipalities which would encourage this sort of response by municipalities.

If a municipality must pay for the services of the public defender, one should reflect on the pressure which will be placed on the municipal attorney while responding to various motions and other defense tactics initiated by the public defender. Every hour the municipal attorney spends on the case his budget is paying not only his own salary but also

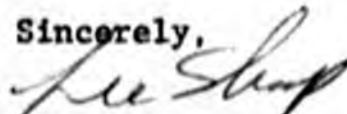
February 11, 1981

the entire cost of the public defender's time on the case. This situation doubles the pressure on the municipal attorney to dismiss or otherwise deal out on the case while relieving such pressure on the public defender as he will be recovering from the municipality for all his time spent on the case. Also, when the funds the municipality has budgeted for the public defender contract run out, the municipal attorney will be forced to dismiss all charges brought against indigents unless supplemental funding can be provided.

In light of the several millions of dollars of revenue sharing which the State provides to municipalities, one must seriously question the rationale of the State paying to all municipalities significant amounts of general revenue sharing monies while at the same time requiring municipalities to pay back to the State what to the State is a relatively small amount of money for services rendered generally to municipalities in the form of public defender services. Certainly we all have better ways to spend public monies than to waste our time drafting and negotiating public defender services contracts, doing time studies or budget analyses to support contract rates, billing for services rendered, drafting purchase orders for contract payments, issuing checks, receipting and accounting for payments, and auditing to ensure that billings are accurate. All these expenses which are associated with negotiating, entering and performing a professional services contract are unnecessary and can be avoided by not adopting Senate Bill 44. Without Senate Bill 44, state funds are merely allocated for use by the public defender's office. With Senate Bill 44, state funds will first be transferred to the municipality and then transferred back to the State where they may or may not be transferred to the public defender's office. The friction losses caused by all these 'ntergovernmental transfers is a waste of public funds and is unjustified, particularly in light of the adverse effects of the Bill discussed above.

We urge you not to pass out Senate Bill 44.

Sincerely,



Gerald L. Sharp  
City-Borough Attorney

GLS:jr

cc: Senator Robert H. Ziegler, Sr.  
Senator Mike J. Colletta  
Senator Frank R. Ferguson  
Senator Arliss Sturgulewski  
Ginny Chitwood, Executive Director AML  
Assemblyman James R. Wakefield  
Assemblyman Harry S. Aase  
Mayor W. D. Overstreet  
Carlton W. Laird, Manager

# CITY OF SKAGWAY

GATEWAY TO THE GOLD RUSH OF '98"  
P. O. BOX 415 SKAGWAY, ALASKA 99840

File in  
SB ~~64~~ 44

February 11, 1981

Senator Don Gilman, Chairman  
Senate Community & Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Gilman:

The City Council of Skagway by unanimous consent has advised me to inform you that Skagway opposes SB 44.

Such a bill would make many municipal ordinances unenforceable from a monetary point of view. Each Alaskan town has its own flavor, its unique problems, its unique legal requirements. SB 44 would force municipalities to enforce and prosecute under State Statutes only. This allows little flexibility. The peace of each Alaskan community would suffer.

Sincerely,



Skip Elliott  
City Manager

cc: Senator Bob Ziegler  
Senator Mike Colletta  
Senator Arliss Sturgulewski  
Senator Frank Furgeson

February 16, 1981

File IN  
3B44

Mayor Ruth E. Burnett, Fairbanks, Alaska has requested the attached resolution, adopted by the Fairbanks City Council, 2/3/81, be forwarded to your office.

Introduced by:  
Date:

City Attorney  
February 9, 1981

RESOLUTION NO. 1897

A RESOLUTION EXPRESSING OPPOSITION TO SENATE BILL NO. 44,  
AND URGING THE STATE LEGISLATURE TO REJECT THIS PROPOSED  
LEGISLATION.

WHEREAS, a Bill has been introduced in the state Senate, designated Senate Bill No. 44, which would provide that attorney services furnished to an indigent person charged with the violation of a municipal ordinance must be provided at the expense of the municipality, and

WHEREAS, statistical information available from the office of our city attorney indicates that, exclusive of traffic matters, at least eighty percent (80%) of the cases which go beyond a guilty plea at the time of arraignment are handled for the defendant by the local office of the public defender, and in terms of numbers this would be approximately 25 cases each month, or 300 cases each year; that each such contested case would average at least five hours of attorney time, and at a wholesale rate of \$75.00 per hour, this would require an estimated expenditure of \$112,500.00 per year, equivalent to about 57% of what the city spent for salaries of its entire legal department (attorneys and support staff) handling all of the city's legal work, civil, criminal, administrative, and otherwise, for the year 1980, and

WHEREAS, to minimize the economic impact of the Bill, the city might instruct its police officers that in those cases where a state statute covers the same criminal conduct that is the subject of a city ordinance, that the charge shall be made under the state statute, thereby increasing the prosecutorial burden on the district attorney, and

WHEREAS, to further minimize the economic impact of the legislation, evaluation of criminal prosecutions by the city attorney from a strictly budgetary approach would not be an unexpected consequence of SB 44, when such decisions should be made on legal and not economic factors, and

WHEREAS, since the police department budget comes from the same general fund source as all other city funding requirements, which would include allocations for public defender representation of indigent defendants under the proposed legislation, the "competition" for these funds could have a chilling effect on cases that an officer might ordinarily be expected to pursue, which could adversely affect the independence of the department and the desired level of law enforcement in the community.

LAW OFFICES OF  
CHRISTIANSON, STAHLA & COLE  
403 Lincoln, P.O. Box 4  
Sitka, Alaska 99835

File  
IN 44

WARREN C. CHRISTIANSON  
EDWARD A. STAHLA  
THERON J. COLE

907-747-0881

February 20, 1981

Senator Don Gillman  
Senate Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Re: Senate Bill 44, Local Government Assumption  
of Public Defender Costs

Dear Senator Gillman:

I presently represent the City of Wrangell and have represented them for approximately four years. I previously represented the City of Ketchikan for approximately seven years and for a lesser time, the Ketchikan Gateway Borough. This letter is written on behalf of the City of Wrangell in opposition to Senate Bill 44, which would require the municipalities to bear the cost of a public defender's office for indigents on municipal offenses filed by the municipality.

It is my understanding that a similar bill was introduced in the last legislative session which was not passed. The matter was not a good idea in the last legislative session and is no better idea at this time. The City of Wrangell therefore urges you to kill the bill once and for all, for the following reasons:

1. The City of Wrangell is a small community (larger than the census bureau would have us believe), however much smaller than many municipalities in Alaska. The impact of any additional dollars on its budget is felt much more dramatically than on the larger municipalities. The amount of dollars that would be billed will be at the total control of the public defender agency. It is suggested that there would be very little restraint for the public defender agency to present frivolous, delaying, or other time consuming action in any criminal proceeding, all of which will have the direct effect of increasing the ultimate bill to the municipality. This may have the negative effect of the municipal prosecution tending to dismiss cases which would otherwise not be dismissed, especially where the

Senator Don Gillman  
February 20, 1981  
Page Two

municipality in the first instance, for cost reasons, does not have fulltime legal counsel. The cost of prosecution may simply become too great a burden for the municipality.

2. The result may be that the municipal police department would therefore file more state charges that would traditionally be municipal charges. This would then increase the burden of the District Attorney.

We already have a two-class society where the indigent defendant, on many occasions, is represented by an attorney while the traditional middle class, just above indigency, goes unrepresented or under-represented because of the cost involved for the legal services. When one must pay for the defense costs with his own funds, much more consideration is given to expenditure of those funds than is given for the expenditure of public funds.

At a time when the emphasis in state government is to reduce the impact of local taxes, shifting the burden of representation of the indigent defendant to the local community would be contrary to the trend. This is not to say that the state should spend all of it's money, by expanding its personnel and programs, but that we should put some dollars away for the future.

Once again, the City of Wrangell opposes SB 44.

Yours very truly,

CHRISTIANSON, STAHLA & COLE

By

  
Edward A. Stahla

EAS/dt

cc: Ginny Chickwood  
Executive Director  
Alaska Municipal League  
204 North Franklin Street  
Juneau, Alaska 99801





**KETCHIKAN GATFWAY BOROUGH**

344 FRONT STREET  
KETCHIKAN, ALASKA 99901

*File  
w/44*

May 6, 1981

The Honorable Donald E. Gilman  
Chairman, C & RA Committee  
State Senate  
Juneau, Alaska 99811

Dear Senator Gilman:

Please find attached a copy of a resolution passed by the Ketchikan Gateway Borough Assembly on April 27, 1981 and forwarded to you and the Community and Regional Affairs Committee for your information.

Sincerely,

*Tommy Nebl*

Tommy Nebl  
Borough Clerk

attachment

4/15/81tn

Voting "yes": Salazar  
Johnson  
Kouni  
Emard  
Seymour  
Dupre  
Laurance  
Zastrow  
Watt  
Freeman

Voting "no": None  
Absent: Bolling  
6 4/7 votes required for  
passage.  
EFFECTIVE DATE: 4/27/81

K E T C H I K A N G A T E W A Y B O R O U G H

RESOLUTION NO. 411

A RESOLUTION OF THE ASSEMBLY OF THE  
KETCHIKAN GATEWAY BOROUGH, ALASKA,  
DECLARING ITS OPPOSITION TO AND  
REQUESTING DEFEAT OF SENATE BILL 44  
WHICH WOULD SHIFT THE COST OF PUBLIC  
DEFENSE OF MUNICIPAL PROSECUTIONS OF  
INDIGENTS TO THE MUNICIPALITY.

R E C I T A L S

A. Senate Bill 44 now pending before the Alaska Legislature would require municipalities to pay all expenses of public defense indigents charged with municipal violations. The State of Alaska currently and historically has paid for these expenses.

B. The limited financial resources of Alaskan municipalities, including the Ketchikan Gateway Borough, already bear the burden of providing the greatest portion of essential public services. Programs are being discussed and legislation is being proposed that would reduce the financial burden of municipal services by shifting costs to the State or by providing State subsidies.

C. The imposition upon municipalities of the additional cost of public defense of municipal criminal cases would create a conflict between the financial interest of the municipality to reduce public defense costs, while at the same time maintaining the interest of the municipality in fair, effective and just enforcement of municipal criminal laws.

NOW, THEREFORE, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH, ALASKA, as follows:

Section 1. The Assembly is strongly opposed to and urges the defeat of Senate Bill 44 and any other measures which would attempt to shift the cost of public defense of indigents charged with violations of municipal ordinances from the State to municipalities.

Section 2. The Clerk is hereby directed to send a copy of this resolution to the Community and Regional Affairs and Judiciary Committees of the State Senate.

Section 3. This resolution is effective immediately upon approval and passage.

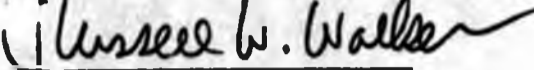
APPROVED AND ADOPTED this 27 day of April, 1981.

  
BOROUGH MAYOR

ATTEST:

  
BOROUGH CLERK

Approved as to form:

  
Municipal Attorney

Plans

This is a new  
sponsor substitute  
delivered this afternoon

Betty

ALASKA STATE LEGISLATURE

TWELFTH Legislature FIRST Session  
*SPONSOR SUBSTITUTE FOR*  
 SENATE BILL NO. 44  
 By THE RULES COMMITTEE BY  
 REQUEST OF THE GOVERNOR

"An Act relating to costs of attorney services provided to indigents charged with violations of municipal ordinances."

Introduced in the Senate 3/13, 19 81

HISTORY IN THE SENATE

19 81	Read first time and referred to Committee on COMMUNITY and REGIONAL AFFAIRS and JUDICIARY <i>ad litem - same</i>										
1 13	Reported back with recommendation that										
3 19											
	Read second time and										
	Read third time and										
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Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Sent to House										

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

18	Read first time and referred to Committee on										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
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Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Returned to Senate										

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
	by Governor
	Filed with i.l. Governor
	Chapter No.

March 18, 1981

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a sponsor substitute for Senate Bill 44.

This substitute bill would make clear that the only time the public defender would handle cases involving an indigent defendant charged with a violation of a municipal ordinance would be when he or she contracts with the municipality to do so. The original bill leaves the implication that the public defender will continue to provide those services as a matter of course and that the municipality will merely be responsible for reimbursing the public defender.

One result of this change will be the reduction of the public defender's Anchorage staff by one attorney and one secretary. One of the major problems under the present arrangement is that, while the public defender agency has been budgeted for one attorney and one legal secretary to handle the municipal ordinance violations, the great quantity of that kind of case is well beyond the capacity of two people, and it has been necessary to devote a considerable portion of additional employees' time to that kind of case. That works to the detriment of the agency's primary responsibility as a state agency providing legal services involving state law.

Thus, this bill proposes a more rational allocation of the responsibilities involved, and I urge your prompt enactment of it.

Sincerely,



Jay S. Hammond  
Governor

**THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE**

**FISCAL NOTE**

**I. REQUEST**

Bill/Resolution No. Sponsor Substitute for Senate Bill 44  
 Title An Act relating to costs of attorneys services  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

**II. FISCAL DETAIL**

Agency Affected Administration  
 Program Category Affected Justice  
 BRU, Program, or Subprogram(s) Affected Public Defender---Third District  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

**EXPENDITURES (Thousands of Dollars)**

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		(86.0)				
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>(86.0)</b>				

**FUNDING (Thousands of Dollars)**

GENERAL FUND		(86.0)				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

**POSITIONS**

FULL TIME		(2)				
PART TIME						
TEMPORARY						

**III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)**

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In fy 79 two additional positions were authorized in HB 909, an Attorney III and a Legal Secretary I. If this bill, returning the financial obligation for indigent defense back to the municipalities should pass, these two positions would be eliminated at a savings of \$86,000.

IV. DATE 02-18-81 PREPARED BY Judy Crondahl  
 AGENCY Administration  
 Original: Legislative Finance PHONE 2277  
 Budget and Management

*JC*

S

B

6

4

COMMITTEE REPORT  
SENATE

FURTHER: None

1/27/81

Date: April 2, 1981

Mr. President:

The Committee on COMMUNITY & REGIONAL AFFAIRS has had SB 64

labor relations between school boards and other public employers and their employees

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 64  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
CHAIRMAN



*Democracy in Education / Education for Democracy*

*Alaska Federation of Teachers*  
*ATF-CFO*

P.O. Box 1885  
Valdez, Alaska 99686  
(907) 835-2883



Eugene G. Kubina  
President

# EMPLOYEE RELATIONS GUIDE

## Section 1

### IOWA PUBLIC EMPLOYMENT RELATIONS ACT

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1-3	Section 8 — Public Employee Rights
1-3	Section 9 — Scope of Negotiations
1-3	Section 10 — Prohibited Practices
1-4	Section 11 — Prohibited Practice Violations
1-5	Section 12 — Strikes Prohibited
1-5	Section 13 — Bargaining Unit Determination
1-6	Section 14 — Bargaining Representative Determination
1-6	Section 15 — Elections
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1-9	Section 25 — Internal Conduct of Employee Organizations
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1-10	Section 27 — Conflict with Federal Aid
1-10	Section 28 — Inconsistent statutes — effect
1-10	Section 29 — Filing agreement — public access

# CHAPTER 20

## PUBLIC EMPLOYMENT RELATIONS (COLLECTIVE BARGAINING)

As Amended by SF499 Enacted by the 68th General Assembly, 1979

This chapter shall become effective on July 1, 1974, but the provisions of this chapter relative to the duty to bargain shall not become effective until July 1, 1975. However, public employees of the state, its boards, commissions, departments, and agencies may not bargain collectively until June 1, 1976.

- 20.1 Public policy.
- 20.2 Title.
- 20.3 Definitions.
- 20.4 Exclusions.
- 20.5 Public employment relations board.
- 20.6 General powers and duties of the board.
- 20.7 Public employer rights.
- 20.8 Public employee rights.
- 20.9 Scope of negotiations.
- 20.10 Prohibited practices.
- 20.11 Prohibited practice violations.
- 20.12 Strikes prohibited.
- 20.13 Bargaining unit determination.

**20.1 Public policy.** The general assembly declares that it is the public policy of the state to promote harmonious and co-operative relationships between government and its employees by permitting public employees to organize and bargain collectively; to protect the citizens of this state by assuring effective and orderly operations of government in providing for their health, safety, and welfare; to prohibit and prevent all strikes by public employees; and to protect the rights of public employees to join or refuse to join, and to participate in or refuse to participate in, employee organizations.

**20.2 Title.** This chapter shall be known as the "Public Employment Relations Act."

**20.3 Definitions.** When used in this chapter, unless the context otherwise requires:

1. "**Public employer**" means the state of Iowa, its boards, commissions, agencies, departments, and its political subdivisions including school districts and other special purpose districts.

2. "**Governing body**" means the board, council, or commission, whether elected or appointed, of a political subdivision of this state, including school districts and other special purpose districts, which determines the policies for the operation of the political subdivision.

3. "**Public employee**" means any individual employed by a public employer, except individuals exempted under the provisions of section 20.4.

4. "**Employee organization**" means an organization of any kind in which public employees participate and which exists for the primary purpose of representing public employees in their employment relations.

- 20.14 Bargaining representatives determination.
- 20.15 Elections.
- 20.16 Duty to bargain.
- 20.17 Procedures.
- 20.18 Grievance procedures.
- 20.19 Impasse procedures — agreement of parties.
- 20.20 Mediation.
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- 20.25 Internal conduct of employee organizations.
- 20.26 Employee organizations — political contributions.
- 20.27 Conflict with federal aid.
- 20.28 Inconsistent statutes — effect.
- 20.29 Filing agreement — public access.

5. "**Board**" means the public employment relations board established under section 20.5.

6. "**Strike**" means a public employee's refusal, in concerted action with others, to report to duty, or his willful absence from his position, or his stoppage of work, or his abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of public employment.

7. "**Confidential employee**" means any public employee who works in the personnel office of a public employer or who has access to information subject to use by the public employer in negotiating or who works in a close continuing working relationship with public officers or representatives associated with negotiating on behalf of the public employer.

"**Confidential employee**" also includes the personal secretary of any of the following: Any elected official or person appointed to fill a vacancy in an elective office, member of any board or commission, the administrative officer, director, or chief executive officer of a public employer or major division thereof, or the deputy or first assistant of any of the foregoing.

8. "**Mediation**" means assistance by an impartial third party to reconcile an impasse between the public employer and the employee organization through interpretation, suggestion, and advice.

9. "Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter.

10. "Impasse" means the failure of a public employer and the employee organization to reach agreement in the course of negotiations.

11. "Professional employee" means any one of the following:

a. Any employee engaged in work:

(1) Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

(2) Involving the consistent exercise of discretion and judgment in its performance;

(3) Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(4) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes.

b. Any employee who:

(1) Has completed the courses of specialized intellectual instruction and study described in paragraph "a", subparagraph 4, of this subsection, and

(2) Is performing related work under the supervision of a professional person to qualify himself or herself to become a professional employee as defined in paragraph "a" of this subsection.

12. "Fact-finding" means the procedure by which a qualified person shall make written findings of fact and recommendations for resolution of an impasse.

**20.4 Exclusions.** The following public employees shall be excluded from the provisions of this chapter:

1. Elected officials and persons appointed to fill vacancies in elective offices, and members of any board or commission.

2. Representatives of public employer, including the administrative officer, director or chief executive officer of a public employer or major division thereof as well as his deputy, first assistant, and any supervisory employees.

Supervisory employee means any individual having authority in the interest of the public employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other public employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. All school superintendents, assistant superintendents, principals and assistant principals shall be deemed to be supervisory employees.

3. Confidential employees.

4. Students working as part-time public employees twenty hours per week or less except graduate or other postgraduate students in preparation for a profession who are engaged in academically related employment as a teaching, research, or service assistant.

5. Temporary public employees employed for a period of four months or less.

6. Commissioned and enlisted personnel of the Iowa national guard.

7. Judges of the supreme court, district judges, district associate judges and judicial magistrates, and the employees of such judges and courts.

8. Patients and inmates employed, sentenced or committed to any state or local institution.

9. Persons employed by the state department of justice.

10. Persons employed by the commission for the blind.

Referred to in sec. 20.3(3)

**20.5 Public employment relations board.**

1. There is established a board to be known as the "Public Employment Relations Board." The board shall consist of three members appointed by the governor, with approval of two-thirds of the senate. No more than two members shall be of the same political affiliation and no member shall engage in any political activity while holding office and the members shall devote full time to their duties.

Each member shall be appointed for a term of four years, except that of the members first appointed, two members shall be appointed for a term of two years commencing July 1, 1974 and ending June 30, 1976, and one member shall be appointed for a term of four years commencing July 1, 1974 and ending June 30, 1978.

The member first appointed for a term of four years shall serve as chairman and each of his successors shall also serve as chairman.

2. Any vacancy on the commission which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days following the convening of the next session of the general assembly. Prior to the expiration of the thirty-day period, the governor shall transmit to the senate for its approval the name of the appointee for the unexpired portion of the regular term. Any vacancy occurring when the general assembly is in session shall be filled in the same manner as regular appointments are made, and before the end of such session, and for the unexpired portion of the regular term.

3. In selecting the members of the board, consideration shall be given to their knowledge, ability, and experience in the field of labor-management relations. The chairperson and the remaining two members shall each receive an annual salary as set by the general assembly.

4. The board may employ such persons as are necessary for the performance of its functions.

Personnel of the board shall be employed pursuant to the provisions of chapter 19A.

5. Members of the board and other employees of the board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the board shall be subject to the budget requirements of chapter 8.

Referred to in sec. 20.3(5)

**20.6 General powers and duties of the board.**  
The board shall:

1. Administer the provisions of this chapter.  
2. Collect, for public employers other than the state and its boards, commissions, departments, and agencies, data and conduct studies relating to wages, hours, benefits and other terms and conditions of public employment and make the same available to any interested person or organization.

3. Maintain, after consulting with employee organizations and public employers, a list of qualified persons representative of the public to be available to serve as mediators and arbitrators and establish their compensation rates.

4. Hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such power to a member of the board, or persons appointed or employed by the board, including hearing officers for the performance of its functions. The board may petition the district court at the seat of government or of the county wherein any hearing is held to enforce a board order compelling the attendance of witnesses and production of records.

5. Adopt rules in accordance with the provisions of chapter 17A as it may deem necessary to carry out the purposes of this chapter.

**20.7 Public employer rights.** Public employers shall have, in addition to all powers, duties, and rights established by constitutional provision, statute, ordinance, charter, or special act, the exclusive power, duty and the right to:

1. Direct the work of its public employees.  
2. Hire, promote, demote, transfer, assign and retain public employees in positions within the public agency.

3. Suspend or discharge public employees for proper cause.

4. Maintain the efficiency of governmental operations.

5. Relieve public employees from duties because of lack of work or for other legitimate reasons.

6. Determine and implement methods, means, assignments and personnel by which the public employer's operations are to be conducted.

7. Take such actions as may be necessary to carry out the mission of the public employer.

8. Initiate, prepare, certify and administer its budget.

9. Exercise all powers and duties granted to the public employer by law.

**20.8 Public employee rights.** Public employees shall have the right to:

1. Organize, or form, join, or assist any employee organization.

2. Negotiate collectively through representatives of their own choosing.

3. Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this chapter or any other law of the state.

4. Refuse to join or participate in the activities of employee organizations, including the payment of any dues, fees or assessments or service fees of any type.

Referred to in sec. 20.10

**20.9 Scope of negotiations.** The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reductions, inservice training and other matters mutually agreed upon. Negotiations shall also include terms authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days' written notice. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession.

Nothing in this section shall diminish the authority and power of the merit employment department, board of regents' merit system, educational radio and television facility board's merit system, or any civil service commission established by constitutional provision, statute, charter or special act to recruit employees, prepare, conduct and grade examinations, rate candidates in order of their relative scores for certification for appointment or promotion or for other matters of classification, reclassification, or appeal rights in the classified service of the public employer served.

All retirement systems shall be excluded from the scope of negotiations.

Referred to in secs. 20.10, 20.17

**20.10 Prohibited practices.**

1. It shall be a prohibited practice for any public employer, public employee or employee organization to willfully refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 20.9.

2. It shall be a prohibited practice for a public employer or his designated representative willfully to:

a. Interfere with, restrain or coerce public employees in the exercise of rights granted by this chapter.

b. Dominate or interfere in the administration of any employee organization.

c. Encourage or discourage membership in any employee organization, committee or association by discrimination in hiring, tenure, or other terms or conditions of employment.

d. Discharge or discriminate against a public employee because he has filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because he has formed, joined or chosen to be represented by any employee organization.

e. Refuse to negotiate collectively with representatives of certified employee organizations as required in this chapter.

f. Deny the rights accompanying certification or exclusive recognition granted in this chapter.

g. Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this chapter.

h. Engage in a lockout.

i. Picket for any unlawful purpose.

3. It shall be a prohibited practice for public employees or an employee organization or for any person, union or organization or their agents willfully to:

a. Interfere with, restrain, coerce or harass any public employee with respect to any of his rights under this chapter or in order to prevent or discourage his exercise of any such right, including, without limitation, all rights under section 20.8.

b. Interfere, restrain, or coerce a public employer with respect to rights granted in this chapter or with respect to selecting a representative for the purposes of negotiating collectively on the adjustment of grievances.

c. Refuse to bargain collectively with a public employer as required in this chapter.

d. Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this chapter.

e. Violate section 20.12.

f. Violate the provisions of sections 736B.1 to 736B.3, which are hereby made applicable to public employers, public employees and public employee organizations.

g. Picket in a manner which interferes with ingress and egress to the facilities of the public employer.

h. Engage in, initiate, sponsor or support any picketing that is performed in support of a strike, work stoppage, boycott or slowdown against a public employer.

4. The expressing of any views, argument or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of any unfair labor practice under any of the provisions of this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

Referred to in sec. 20.11

#### 20.11 Prohibited practice violations.

1. Proceedings against a party alleging a violation of section 20.10, shall be commenced by filing a complaint with the board within ninety days of the alleged violation causing a copy of the complaint to be served upon the accused party in the manner of an original notice as provided in this chapter. The accused party shall have ten days within which to file a written answer to the complaint. However, the board may conduct a preliminary investigation of the alleged violation, and if the board determines that the complaint has no basis in fact, the board may discuss the complaint. The board shall promptly thereafter set a time and place for hearing in the county where the alleged violation occurred. The parties shall be permitted to be represented by counsel, summon witnesses, and request the board to subpoena witnesses on the requestor's behalf. Compliance with the technical rules of pleading and evidence shall not be required.

2. The board may designate a hearing officer to conduct the hearing. The hearing officer shall have such powers as may be exercised by the board for conducting the hearing and shall follow the procedures adopted by the board for conducting the hearing. The decision of the hearing officer may be appealed to the board and the board may hear the case de novo or upon the record as submitted before the hearing officer, utilizing procedures governing appeals to the district court in this section so far as applicable.

3. The board shall appoint a certified shorthand reporter to report the proceedings and the board shall fix the reasonable amount of compensation for such service, which amount shall be taxed as other costs.

4. The board shall file its findings of fact and conclusions of law. If the board finds that the party accused has committed a prohibited practice, the board may, within thirty days of its decision, enter into a consent order with the party to discontinue the practice, or petition the district court for injunctive relief pursuant to rules of civil procedure 320 to 330.

5. Any party aggrieved by any decision or order of the board may within ten days from the date such decision or order is filed, appeal therefrom to the district court of the county in which the hearing was held, by filing with the board a written notice of appeal setting forth in general terms the decision appealed from and the grounds of the appeal. The board shall forthwith give notice to the other parties in interest.

6. Within thirty days after a notice of appeal is filed with the board, it shall make, certify, and file in the office of the clerk of court to which the appeal is taken, a full and complete transcript of all documents in the case, including any depositions and a transcript or certificate of the evidence together with the notice of appeal.

7. The appeal shall be triable at any time after the expiration of twenty days from the date of filing the transcript by the board and after twenty days' notice in writing by either party and the board upon the other.

8. The transcript as certified and filed by the board shall be the record on which the appeal shall be heard, and no additional evidence shall be heard. In the absence of fraud, the findings of fact made by the board shall be conclusive if supported by a substantial evidence on the record considered as a whole.

9. Any order or decision of the board may be modified, reversed, or set aside on one or more of the following grounds and on no other:

a. If the board acts without or in excess of its powers.

b. If the order was procured by fraud or is contrary to law.

c. If the facts found by the board do not support the order.

d. If the order is not supported by a preponderance of the competent evidence on the record considered as a whole.

10. When the district court, on appeal, reverses or sets aside an order or decision of the board, it may remand the case to the board for further proceedings in harmony with the holdings of the court, or it may enter the proper judgment, as the case may be. Such judgment or decree shall have the same force and effect as if action had been originally brought and tried in said court. The assessment of costs in such appeals shall be in the discretion of the court.

11. An appeal may be taken to the supreme court from any final order, judgment, or decree of the district court.

Referred to in sec. 20.13, 20.14.

#### **20.12 Strikes prohibited.**

1. It shall be unlawful for any public employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify or participate in a strike against any public employer.

2. It shall be unlawful for any public employer to authorize, consent to, or condone a strike; or to pay or agree to pay any public employee for any day in which the employee participates in a strike; or to pay or agree to pay any increase in compensation or benefits to any public employee in response to or as a result of any strike or any act which violates subsection 1. It shall be unlawful for any official, director, or representative of any public employer to authorize, ratify or participate in any violation of this subsection. Nothing in this subsection shall prevent new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time after such violation of subsection 1 has ceased, but it shall be unlawful for any public employer or employee organization to bargain at any time regarding suspension or modification of any penalty provided in this section or regarding any request by the public employer to a court for such suspension or modification.

3. In the event of any violation or imminently threatened violation of subsection 1 or 2, any citizen domiciled within the jurisdictional boundaries of the public employer may petition the district court for the county in which the violation occurs or the district court for Polk county for an

injunction restraining such violation or imminently threatened violation. Rules of civil procedure 320 to 330 regarding injunctions shall apply. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him; and no bond shall be required of the plaintiff unless the court determines that a bond is necessary in the public interest. Failure to comply with any temporary or permanent injunction granted pursuant to this section shall constitute a contempt punishable pursuant to chapter 665. The punishment shall not exceed five hundred dollars for an individual, or ten thousand dollars for an employee organization or public employer, for each day during which the failure to comply continues, or imprisonment in a county jail not exceeding six months, or both such fine and imprisonment. An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

4. If a public employee is held to be in contempt of court for failure to comply with an injunction pursuant to this section, or is convicted of violating this section, he shall be ineligible for any employment by the same public employer for a period of twelve months. His public employer shall immediately discharge him, but upon his request the court shall stay his discharge to permit further judicial proceedings.

5. If an employee organization or any of its officers is held to be in contempt of court for failure to comply with an injunction pursuant to this section, or is convicted of violating this section, the employee organization shall be immediately decertified, shall cease to represent the bargaining unit, shall cease to receive any dues by checkoff, and may again be certified only after twelve months have elapsed from the effective date of decertification and only after a new compliance with section 20.14. The penalties provided in this section may be suspended or modified by the court, but only upon request of the public employer and only if the court determines the suspension or modification is in the public interest.

6. Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

Referred to in sec. 20.10.

#### **20.13 Bargaining unit determination.**

1. Board determination of an appropriate bargaining unit shall be upon petition filed by a public employer, public employee, or employee organization.

2. Within thirty days of receipt of a petition or notice to all interested parties if on its own initiative, the board shall conduct a public hearing, receive written or oral testimony, and promptly thereafter file an order defining the appropriate bargaining unit. In defining the unit, the board shall take into consideration, along with

other relevant factors, the principles of efficient administration of government, the existence of a community of interest among public employees, the history and extent of a public employee organization, geographical location, and the recommendations of the parties involved.

3. Appeal: From such order shall be governed by appeal provisions provided in section 20.11.

4. Professional and nonprofessional employees shall not be included in the same bargaining unit unless a majority of both agree.

Referred to in sec. 20.14.

#### **20.14 Bargaining representative determination.**

1. Board certification of an employee organization as the exclusive bargaining representative of a bargaining unit shall be upon a petition filed with the board by a public employer, public employee, or an employee organization and an election conducted pursuant to section 20.15.

2. The petition of an employee organization shall allege that:

a. The employee organization has submitted a request to a public employer to bargain collectively with a designated group of public employees.

b. The petition is accompanied by written evidence that thirty percent of such public employees are members of the employee organization or have authorized it to represent them for the purposes of collective bargaining.

3. The petition of a public employee shall allege that an employee organization which has been certified as the bargaining representative does not represent a majority of such public employees and that the petitioners do not want to be represented by an employee organization or seek certification of an employee organization.

4. The petition of a public employer shall allege that it has received a request to bargain from an employee organization which has not been certified as the bargaining representative of the public employees in an appropriate bargaining unit.

5. The board shall investigate the allegation of any petition and shall give reasonable notice of the receipt of such a petition to all public employees, employee organizations and public employers named or described in such petitions or interested in the representation questioned. The board shall thereafter call an election under section 20.15, unless:

a. It finds that less than thirty percent of the public employees in the unit appropriate for collective bargaining support the petition for decertification or for certification.

b. The appropriate bargaining unit has not been determined pursuant to section 20.13.

6. The hearing and appeal procedures shall be the same as provided in section 20.11.

Referred to in secs. 20.12, 20.15.

#### **20.15 Election.**

1. Upon the filing of a petition for certification of an employee organization, the board shall submit a question to the public employees at an election in an appropriate bargaining unit. The question

on the ballot shall permit the public employees to vote for no bargaining representation or for any employee organization which has petitioned for certification or which has presented proof satisfactory to the board of support of ten percent or more of the public employees in the appropriate unit.

2. If a majority of votes cast on the question are for no bargaining representation, the public employees shall not be represented by an employee organization. If a majority of the votes cast on the question is for a listed employee organization, then the employee organization shall represent the public employees in an appropriate bargaining unit.

3. If none of the choices on the ballot receive the vote of a majority of the public employees voting, the board shall conduct a runoff election among the two choices receiving the greatest number of votes.

4. Upon written objections filed by any party to the election within ten days after notice of the results of the election, if the board finds that misconduct or other circumstances prevented the public employees eligible to vote from freely expressing their preferences, the board may invalidate the election and hold a second election for the public employees.

5. Upon completion of a valid election in which the majority choice of the employees voting is determined, the board shall certify the results of the election and shall give reasonable notice of the order to all employee organizations listed on the ballot, the public employers, and the public employees in the appropriate bargaining unit.

6. A petition for certification as an exclusive bargaining representative shall not be considered by the board for a period of one year from the date of the certification or noncertification of an exclusive bargaining representative or during the duration of a collective bargaining agreement which shall not exceed two years. A collective bargaining agreement with the state, its boards, commissions, departments, and agencies shall be for two years and the provisions of a collective bargaining agreement except agreements agreed to or tentatively agreed to prior to July 1, 1977, or arbitrators' award affecting state employees shall not provide for renegotiations which would require the refinancing of salary and fringe benefits for the second year of the term of the agreement, except as provided in section twenty point seventeen (20.17), subsection six (6) of the Code and the effective date of any such agreement shall be July first of odd-numbered years, provided that if an exclusive bargaining representative is certified on a date which will prevent the negotiation of a collective bargaining agreement prior to July first of odd-numbered years for a period of two years, the certified collective bargaining representative may negotiate a one-year contract with a public employer which shall be effective from July first of the even-numbered year to July first of the succeeding odd-numbered year when new contracts shall become effective. However, if a petition for decertification is filed during the duration of a

collective bargaining agreement, the board shall award an election under this section not more than one hundred eighty days nor less than one hundred fifty days prior to the expiration of the collective bargaining agreement. If an employee organization is decertified, the board may receive petitions under section 20.14, provided that no such petition and no election conducted pursuant to such petition within one year from decertification shall include as a party the decertified employee organization.

**20.16 Duty to bargain.** Upon the receipt by a public employer of a request from an employee organization to bargain on behalf of public employees, the duty to engage in collective bargaining shall arise if the employee organization has been certified by the board as the exclusive bargaining representative for the public employees in that bargaining unit.

**20.17 Procedures.**

1. The employee organization certified as the bargaining representative shall be the exclusive representative of all public employees in the bargaining unit and shall represent all public employees fairly. However, any public employee may meet and adjust individual complaints with a public employer.

2. The employee organization and the public employer may designate any individual as its representative to engage in collective bargaining negotiations.

3. Negotiating sessions, including strategy meetings of public employers, or employee organizations, mediation and the deliberative process of arbitrators shall be exempt from the provisions of chapter 28A. However, the employee organization shall present its initial bargaining position to the public employer at the first bargaining session. The public employer shall present its initial bargaining position to the employee organization at the second bargaining session, which shall be held no later than two weeks following the first bargaining session. Both sessions shall be open to the public and subject to the provisions of chapter 28A. Hearings conducted by arbitrators shall be open to the public.

4. The terms of a proposed collective bargaining agreement shall be made public and reasonable notice shall be given to the public employees prior to a ratification election. The collective bargaining agreement shall become effective only if ratified by a majority of those voting by secret ballot.

5. Terms of any collective bargaining agreement may be enforced by a civil action in the district court of the county in which the agreement was made upon the initiative of either party.

6. No collective bargaining agreement or arbitrators' decision shall be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the public employer's funds, spending or budget or would substantially impair or limit the performance of any statutory duty by the public employer. A collective

bargaining agreement or arbitrators' award may provide benefits conditional upon specified funds to be obtained by the public employer, but the agreement shall provide either for automatic reduction of such conditional benefits or for additional bargaining if the funds are not obtained or if a lesser amount is obtained.

7. If agreed to by the parties nothing in this chapter shall be construed to prohibit supplementary bargaining in behalf of public employees in a part of the bargaining unit concerning matters uniquely affecting those public employees in a part of the bargaining unit concerning matters uniquely affecting those public employees or co-operation and coordination of bargaining between two or more units.

8. The salaries of all public employees of the state under a merit system and all other fringe benefits which are granted to all public employees of the state shall be negotiated with the governor or his designee on a state-wide basis, except those benefits which are not subject to negotiations pursuant to the provisions of section 20.9.

9. A public employee or any employee organization shall not negotiate or attempt to negotiate directly with a member of the governing board of a public employer if the public employer has appointed or authorized a bargaining representative for the purpose of bargaining with the public employees or their representative, unless the member of the governing board is the designated bargaining representative for the public employer.

10. The negotiation of a proposed collective bargaining agreement by representatives of a state public employer and a state employee organization shall be complete not later than March fifteenth of the year when the agreement is to become effective. The board shall provide, by rule, a date on which any impasse item must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed state collective bargaining agreements not later than March fifteenth. The date selected for the mandatory submission of impasse items to binding arbitration shall be sufficiently in advance of March fifteenth to insure that the arbitrators' decision can be reasonably made before March fifteenth.

*Referred to in sec. 20.22.*

**20.18 Grievance procedures.** An agreement with an employee organization which is the exclusive representative of public employees in an appropriate unit may provide procedures for the consideration of public employee grievances and of disputes over the interpretation and application of agreements. Negotiated procedures may provide for binding arbitration of public employee grievances and of disputes over the interpretation and application of existing agreements. An arbitrator's decision on a grievance may not change or amend the terms, conditions or applications of the collective

bargaining agreement. Such procedure shall provide for the invoking of arbitration only with the approval of the employee organization, and in the case of an employee grievance, only with the approval of the public employee. The costs of arbitration shall be shared equally by the parties.

Public employees of the state shall follow either the grievance procedures provided in a collective bargaining agreement, or in the event that no such procedures are so provided, shall follow grievance procedures established pursuant to chapter 19A.

**20.19 Impasse procedures — agreement of parties.** As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 to 20.22 shall apply.

**20.20 Mediation.** In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget submission date, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Referred to in sec. 20.19.

**20.21 Fact-finding.** If the impasse persists ten days after the mediator has been appointed, the board shall appoint a fact-finder representative of the public, from a list of qualified persons maintained by the board. The fact-finder shall conduct a hearing, may administer oaths, and may request the board to issue subpoenas. The fact-finder shall make written findings of facts and recommendations for resolution of the dispute and, not later than fifteen days from the day of appointment, shall serve such findings on the public employer and the certified employee organization.

The public employer and the certified employee organization shall immediately accept the fact-finder's recommendation or shall within five days submit the fact-finder's recommendations to the governing body and members of the certified employee organization for acceptance or rejection. If the dispute continues ten days after the report is submitted, the report shall be made public by the board.

Referred to in sec. 20.19.

**20.22 Binding arbitration.**

1. If an impasse persists after the findings of fact and recommendations are made public by the fact-finder, the parties may continue to negotiate or, the board shall have the power, upon

request of either party, to arrange for arbitration, which shall be binding. The request for arbitration shall be in writing and a copy of the request shall be served upon the other party.

2. Each party shall submit to the board within four days of request a final offer on the impasse items with proof of service of a copy upon the other party. Each party shall also submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached and the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision rendered by the panel of arbitrators.

As an alternative procedure, the two parties may agree to submit the dispute to a single arbitrator. If the parties cannot agree on the arbitrator within four days, the selection shall be made pursuant to subsection 5. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute.

3. The submission of the impasse items to the arbitrators shall be limited to those issues that had been considered by the fact-finder and upon which the parties have not reached agreement. With respect to each such item, the arbitration board award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitration board or to the recommendation of the fact-finder on each impasse item.

4. The panel of arbitrators shall consist of three members appointed in the following manner:

a. One member shall be appointed by the public employer.

b. One member shall be appointed by the employee organization.

c. One member shall be appointed mutually by the members appointed by the public employer and the employee organization. The last member appointed shall be the chairman of the panel of arbitrators. No member appointed shall be an employee of the parties.

d. The public employer and employee organization shall each pay the fees and expenses incurred by the arbitrator each selected. The fee and expenses of the chairman of the panel and all other costs of arbitration shall be shared equally.

5. If the third member has not been selected within four days of notification as provided in subsection 2, a list of three arbitrators shall be submitted to the parties by the board. The two arbitrators selected by the public employer and the employee organization shall determine by lot which arbitrator shall remove the first name from the list submitted by the board. The arbitrator having the right to remove the first name shall do so within two days and the second arbitrator shall have one additional day to remove one of the two remaining names. The person whose name remains shall become the chairman of the panel of arbitrators and shall call a meeting within ten days at a location designated by him.

6. If a vacancy should occur on the panel of arbitrators, the selection for replacement of such member shall be in the same manner and within the same time limits as the original member was chosen. No final selection under subsection 9

shall be made by the board until the vacancy has been filled.

7. The panel of arbitrators shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than prescribed in this section.

8. From the time of appointment until such time as the panel of arbitrators makes its final determination, there shall be no discussion concerning recommendations for settlement of the dispute by the members of the panel of arbitrators with parties other than those who are direct parties to the dispute. The panel of arbitrators may conduct formal or informal hearings to discuss offers submitted by both parties.

9. The panel of arbitrators shall consider, in addition to any other relevant factors, the following factors:

a. Past collective bargaining contracts between the parties including the bargaining that led up to such contracts.

b. Comparison of wages, hours and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

c. The interests and welfare of the public, the ability of the public employer to finance economic adjustments and the effect of such adjustments on the normal standard of services.

d. The power of the public employer to levy taxes and appropriate funds for the conduct of its operations.

10. The chairman of the panel of arbitrators may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the panel of arbitrators. The chairman of the panel of arbitrators may petition the district court at the seat of government or of the county in which any hearing is held to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

11. A majority of the panel of arbitrators shall select within fifteen days after its first meeting the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties, or the recommendations of the fact-finder on each impasse item.

12. The selections by the panel of arbitrators and items agreed upon by the public employer and the employee organization, shall be deemed to be the collective bargaining agreement between the parties.

13. The determination of the panel of arbitrators shall be by majority vote and shall be final and binding subject to the provisions of section 20.17, subsection 6. The panel of arbitrators shall give written explanation of its selection and inform the parties of its decision.

Referred to in sec. 20.19.

**20.23 Legal actions.** Any employee organization and public employer may sue or be sued as

an entity under the provisions of this chapter. Service upon the public employer shall be in accordance with law or the rules of civil procedure. Nothing in this chapter shall be construed to make any individual or his assets liable for any judgment against a public employer or an employee organization.

**20.24 Notice and service.** Any notice required under the provisions of this chapter shall be in writing, but service thereof shall be sufficient if mailed by restricted certified mail, return receipt requested addressed to the last known address of the parties, unless otherwise provided in this chapter. Refusal of restricted certified mail by any party shall be considered service. Prescribed time periods shall commence from the date of the receipt of the notice. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

**20.25 Internal conduct of employee organizations.**

1. Every employee organization which is certified as a representative of public employees under the provisions of this chapter shall file with the board a registration report, signed by its president or other appropriate officer. The report shall be in a form prescribed by the board and shall be accompanied by two copies of the employee organization's constitution and bylaws. A filing by a national or international employee organization of its constitution and bylaws shall be accepted in lieu of a filing of such documents by each subordinate organization. All changes or amendments to such constitutions and bylaws shall be promptly reported to the board.

2. Every employee organization shall file with the board an annual report and an amended report whenever changes are made. The reports shall be in a form prescribed by the board, and shall provide the following information:

a. The names and addresses of the organization, any parent organization or organizations with which it is affiliated, the principal officers, and all representatives.

b. The name and address of its local agent for service of process.

c. A general description of the public employees the organization represents or seeks to represent.

d. The amounts of the initiation fee and monthly dues members must pay.

e. A pledge, in a form prescribed by the board, that the organization will comply with the laws of the state and that it will accept members without regard to age, race, sex, religion, national origin or physical disability as provided by law.

f. A financial report and audit.

3. The constitution or bylaws of every employee organization shall provide that:

a. Accurate accounts of all income and expenses shall be kept, and annual financial report and audit shall be prepared, such accounts shall be open for inspection by any member of the organization, and loans to officers and agents shall be made only on terms and conditions available to all members.

b. Business or financial interests of its officers and agents, their spouses, minor children, parents or otherwise, that conflict with the fiduciary obligation of such persons to the organization shall be prohibited.

c. Every official or employee of an employee organization who handles funds or the property of the organization, or trust in which an organization is interested, or a subsidiary organization, shall be bonded. The amount, scope, and form of the bond shall be determined by the board.

4. The governing rules of every employee organization shall provide for periodic elections by secret ballot subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote in such elections, the right of individual members to participate in the affairs of the organization, and fair and equitable procedures in disciplinary actions.

5. The board shall prescribe rules necessary to govern the establishment and reporting of trusteeships over employee organizations. Establishment of such trusteeships shall be permitted only if the constitution or bylaws of the organization set forth reasonable procedures.

6. An employee organization that has not registered or filed an annual report, or that has failed to comply with other provisions of this chapter, shall not be certified. Certified employee organizations failing to comply with this chapter may have such certification revoked by the board. Prohibitions may be enforced by injunction upon the petition of the board to the district court of the county in which the violation occurs. Complaints of violation of this section shall be filed with the board.

7. Upon the written request of any member of a certified employee organization, the auditor of state may audit the financial records of the certified employee organization.

**20.26 Employee organizations — political contributions.** Any employee organization shall not make any direct or indirect contribution out of the funds of the employee organization to any political party or organization or in support of any candidate for elective public office.

Any employee organization which violates the provisions of this section or fails to file any required report or affidavit or files a false report or

affidavit shall, upon conviction, be subject to a fine of not more than two thousand dollars.

Any person who willfully violates this section, or who makes a false statement knowing it to be false, or who knowingly fails to disclose a material fact shall, upon conviction, be subject to a fine of not more than one thousand dollars or imprisoned for not more than thirty days or shall be subject to both such fine and imprisonment. Each individual required to sign affidavits or reports under this section shall be personally responsible for filing such report or affidavit and for any statement contained therein he knows to be false.

Nothing in this section shall be construed to prohibit voluntary contributions by individuals to political parties or candidates.

Nothing in this section shall be construed to limit or deny any civil remedy which may exist as a result of action which may violate this section.

**20.27 Conflict with federal aid.** If any provision of this chapter jeopardizes the receipt by the state or any of its political subdivisions of any federal grant-in-aid funds or other federal allotment of money, the provisions of this chapter shall, insofar as the fund is jeopardized, be deemed to be inoperative.

**20.28 Inconsistent statutes — effect.** A provision of the Code which is inconsistent with any term or condition of a collective bargaining agreement which is made final under this chapter shall supersede the term or condition of the collective bargaining agreement unless otherwise provided by the general assembly. A provision of a proposed collective bargaining agreement negotiated according to this chapter which conflicts with the Code shall not become a provision of the final collective bargaining agreement until the general assembly has amended the Code to remove the conflict.

**20.29 Filing agreement — public access.** Copies of collective bargaining agreements entered into between the state and state employees' bargaining representatives and made final under this chapter shall be filed with the secretary of state and be made available to the public at cost.

# STATE OF ALASKA

## DEPARTMENT OF LABOR

JAY S. HAMMOND, GOVERNOR

BOX 1145  
JUNEAU, ALASKA 99811  
Ph: 465-2700

February 25, 1981

*SB 64*

Honorable Don Gilman, Chairman  
Community & Regional Affairs Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Gilman:

Enclosed is a revised Fiscal Note for Senate Bill 64, which deals with labor relations between school boards and other public employers and their employees.

A memorandum dated February 5, 1981, from the Department of Administration (copy enclosed) requires that all fiscal notes include space costs for new positions. Our January 19, 1981 fiscal note did not include these costs, so we have revised it accordingly.

If you have any questions concerning this, please let me know.

Sincerely,

*Judy Knight*  
Judy Knight  
Legislative Liaison

# MEMORANDUM

# State of Alaska

TO ALL ADMINISTRATIVE OFFICERS  
ALL LEGISLATIVE LIAISONS

**RECEIVED**

DATE: February 5, 1981

FEB 09 1981 FILE NO:

112  
2277

**OFFICE OF THE COMMISSIONER**

FROM *JC* Judy Crondahl  
Director  
Division of Administrative Services  
Department of Administration

SUBJECT: Fiscal Notes

With the transfer to the Department of Administration of the responsibility for ASHA and leased space costs in the FY 82 budget, we would like to address the continuing problem of creating new positions without budgeting for additional space. Too often in the past the assumption has been that new positions can be "squeezed in" here and there. This practice has developed to the point that in many places there is no extra space left. With the consolidation of leased space costs, we believe this problem can now be addressed in a more logical manner. Obviously, if one new position is created and it can be squeezed into existing space, then there is no additional space cost. However, if that position cannot be absorbed, then there may be great costs if a whole program must be moved. To truly identify the costs of creating new programs and adding new positions, we are asking you to budget a standard amount for space for each new position created by fiscal note. This money will be RSA'ed to the Department of Administration and will be used for obtaining new space when program expansion requires it. For Anchorage or Juneau, this amount is \$2,700 which is the cost for 150 square feet at a projected new lease space cost of \$1.50/square foot per month. Amounts for other locations throughout the State are to be multiplied by the same factor used in the General Government Salary Schedule for that location. This applies to any position created by fiscal note in the 1981 session.

This plan has been approved by Ron Lehr and Keith Specking. By copy of this memorandum we are asking them and the Division of Legislative Finance to monitor fiscal notes.

If you have any questions, please call me at 465-2277.

JC/ber  
cc: Keith Specking  
Ron Lehr  
Jay Hojan  
C10/F

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 64

Title "An Act relating to Labor Relations between school boards and other..."

Requested by Senate Labor and Commerce Committee Date January 19, 1981

II. FISCAL DETAIL

Agency Affected Department of Labor

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Wage and Hour Administration

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		40.5	43.7	47.2	51.0	55.1
200 TRAVEL		15.0	16.1	17.2	18.4	19.7
300 CONTRACTUAL		24.4	26.4	28.5	30.8	33.3
400 COMMODITIES		1.8	1.9	2.0	2.2	2.4
500 EQUIPMENT		3.0	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>84.7</b>	<b>88.1</b>	<b>94.9</b>	<b>102.4</b>	<b>110.5</b>

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		84.7	88.1	94.9	102.4	110.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Personal Services cost at current salary and benefit cost (1/1/81).
2. Travel Statewide - Wage and Hour Investigator II.
3. Contractual Services, includes Legal Services for Hearing Officers and word processing services.
4. Equipment, Desk, Chairs, Filing Cabinet, Recorder, and Calculator.
5. Inflation factor used - 8% for all items.
6. Assumes effective date of July 1, 1981.
7. Assumes that the 48 potential school districts would enter into collective bargaining elections on a gradual basis - i.e. initial elections would be spread over a two-year period.

IV. DATE January 19, 1981

PREPARED BY *Rico Bus* Finance Officer

AGENCY Labor

Original: Legislative Finance

PHONE 465-2720

cc: Budget and Management

Prime Sponsor (First Legislator Named)



1	POSITION TITLE W/H Investigator II			RANGE/STEP 18 A	BARG. UNIT. GGU	LOCATION Juneau	GOV	APPROV.	DISAPP.					
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LEG						
3	TYPE OF EXPENDITURE			AMOUNT										
	1	2	3											
4	PERSONAL SERVICES:				JUSTIFICATION:  1. Personal Services: Salary Schedule effective 1/1/81.  2. Travel: \$15,000.  3. Contractual Services: \$24,431 includes Legal Services for Hearing Officers, word processing services, Telephone, Postage, and Office Copier Services.  4. Commodities: \$1,800 Supplies for ballots, letters, printed matter.  5. Equipment: \$3,000 Desk, Chairs, Filing Cabinet, Recorder, and Calculator.									
	SALARY	\$2,640	31,680											
5	BENEFITS	.1721	5,452											
6	FICA	.0613	1,808											
7	HEALTH INS.	\$ 127 P/M	1,524											
8	TOTAL PERSONAL SERVICES		01	40,464										
9	TRAVEL		02	15,000										
10	CONTRACTUAL		03	24,431										
11	COMMODITIES		04	1,800										
12	EQUIPMENT		05	3,000										
13	OTHER													
14	TOTAL COST			84,695										
15	CODE	FUNDING SOURCE												
		FED RCPTS.	1002											
		GF MATCH	1003											
		GEN. FUND	1004	84,695										
		I-A RCPTS	1005											
		PGM RCPTS	1006											
		OTHER												
21	CONTINUATION				FOR B&M USE ONLY									
22	ADDITION	X												
	KEY NUMBER				COLUMN NO.									

AGENCY Labor PROGRAM Public Protection

BRU Wage and Hour

COMPONENT Wage and Hour

Page 1 of 1

REVISED DATE \_\_\_\_\_

**13** REQUEST FOR NEW POSITION.

**FY 82**

# Persons to Notify

SB 64

Bill Ray

Dale Cheek, Labor <sup>Judy Knight</sup> 1/30/80

Sherry Shelley, APEA 586-2334

1/30/81

Caroline Doggett, NEA 586-3090

Bob Green, AASB 1/30/81

Eugene Kubina (Alaska Fed. of Teachers) 835-2663  
Valdez

National Right to Work Comm.

Frank Boli's (Fbx) 452-2023



# ALASKA PUBLIC EMPLOYEES ASSOCIATION

State Headquarters: 340 North Franklin Street, Juneau, Alaska 99801 • Tel: (907) 586-2334

## SYNOPSIS OF SENATE BILL NO. 64

### Section 1

In an initial election for representation held under this section, one of the choices on the ballot will be "no representation," for elections conducted under the Public Employment Relations Act (PERA).

### Section 2

This will permit non-certificated employees of school boards to engage in a strike. They will be covered in Class 3.

### Section 3

This will take away the exemption for non-certified school board employees.

### Section 4

Defines 'school board' for PERA.

### Section 6

This will make it mandatory for school boards to permit their non-certified employees to enter into collective bargaining covered by the Public Employment Relations Act.

### Section 7

This will not terminate nor modify any collective bargaining agreement already entered into on the effective date of the Act.

Background Material

The classified and non-certified employees of school districts (secretaries, janitors, accounting clerks, etc.) are the only group of public employees that do not have a statutory right to collective bargaining. This bill will place them under the jurisdiction of the Public Employment Relations Act. Currently, APEA represents the Juneau Education Support Staff for collective bargaining. Currently, if APEA or the Juneau School Board should interpose an unfair labor practice, the matter would be settled in court, rather than before the Labor Relations Agency. Court proceedings as opposed to the expeditious Labor Relations proceedings, are costly and lengthy. It seems reasonable and fair that the Juneau Education Support Staff should share the statutory rights and privileges available to all other public employees in the State of Alaska.

# STATE OF ALASKA

## DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

BOX 1149 - JUNEAU 99811

Phone: (907) 465-2700

January 30, 1981

The Honorable Don Gilman  
Alaska Senate  
Chairman, Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Gilman:

On January 27, 1981 the Senate Health, Education and Social Services Committee reported out Senate Bill 64, "An Act relating to labor relations between school boards and other public employers and their employees", with a zero fiscal note. The Department had submitted a fiscal note at a previous hearing requesting funding for one position. This legislation will make it mandatory for all school boards to permit their noncertificated employees to enter into collective bargaining and those employees would be covered by the Public Employees Relation Act (PERA). Senate Bill 64 will require the Department of Labor, Wage and Hour Division to assume additional responsibilities without any attendant funding.

Collective bargaining in the public sector is a complicated and unique field of labor law. Our experiences as the labor relations agency for all public employees, except State of Alaska employees, over the past fiscal year shows that the Wage and Hour Division devoted one half of a position to that function. This involved nine separate community of interest groups in the City of Fairbanks, the North Star Borough, and the City of Kodiak for a total of approximately 400 employees.

There are 52 school districts within the State of Alaska (including REAA's). We are able to identify only four of those districts who are presently organized or who have a collective bargaining agreement with a union or an association. Those are Fairbanks, Kenai, Juneau, and Anchorage with a total of approximately 1,100 noncertificated employees. In disputed matters it is necessary that a hearing officer be appointed to hear the matter under the Administrative Procedures Act. It has been our experience in the past that an average of \$6,000 in hearing officer legal fees are expended for each of the contested matters.

Therefore the Department of Labor can expect to be acting as the labor relations agency for 48 separate school districts involving 2,400 employees. In the upcoming fiscal year, the Wage and Hour Division could be monitoring elections in many of those school districts, or holding hearings to settle grievances on unfair labor practice charges throughout the State.

Identical bills were introduced in the Eleventh Legislature (Senate Bill 213 and House Bill 453). Eleven representatives of units who would be covered by PERA, if those bills became law, testified before a House Committee. The Director of the Wage and Hour Division talked to each of the employee representatives after the hearing and was advised that if a bill passed into law, all of them intended to file a petition to be recognized as a collective bargaining unit. That information, coupled with other knowledge that we have received, makes it almost a certainty that the Department will be faced with resolving organizational labor disputes for many of these employees in school districts in the ensuing fiscal years.

The Wage and Hour Division of the Department of Labor has the responsibility for the enforcement of AS 23.40. The Division conducts elections, investigations of unfair labor practice charges, holds preliminary hearings, and presents testimony before formal hearings on matters concerning public employees (except State employees) covered by PERA. The Division consists of 19 employees located in three offices at Juneau, Anchorage, and Fairbanks.

In addition to the PERA function, this Division is also charged with enforcement responsibilities in the following areas:

- Wage Claims
- Minimum Wage and Overtime
- Establishment and Enforcement of Prevailing Wage Rates on Public Contracts
- Child Labor Laws
- Private Employment Agencies
- Bonding Requirements for Fish Buyers and Processors
- Return Transportation of Employees
- Enforcement of Contractor Licensing

<u>WAGE CLAIMS</u>	<u>FY 1979</u>	<u>FY 1980</u>
Number of Claimants	817	1,317
Amount Collected	\$444,404	\$568,595
<u>PUBLIC CONTRACTS</u>	<u>FY 1979</u>	<u>FY 1980</u>
Number Public Contracts	428	645
Number Payrolls Audited	5,292	9,062
Number Employees Involved	30,081	51,180
Amount Collected for Workers	\$132,581	\$684,010

<u>FISH BUYERS/PROCESSORS BONDED</u>	<u>FY 1979</u>	<u>FY 1980</u>
	251	460
<u>ENFORCEMENT-CONTRACTOR LICENSING</u>	<u>FY 1979</u>	<u>FY 1980</u>
Number of Investigations	106	158

In the rapidly expanding seafood processing industry, the Wage and Hour Division is dealing with labor law problems involving many more employees each year.

<u>SEAFOOD PROCESSING EMPLOYEES</u>	<u>FY 1979</u>	<u>FY 1980</u>
	5,150	7,511

A large percentage of the increase in activity of this industry has occurred in those plants and vessels located westward of Kodiak. While the Wage and Hour Division did not separate wage, return transportation, minimum wage and overtime, etc., matters for the seafood processing industry prior to FY 1981, the investigators enforcing the Wage and Hour Act in that region report that their activity has increased 28% each quarter since statistics were recorded. The increase in activity in the seafood processing industry for the last three years has made it necessary that the Department hold an increased number of training sessions for employees and informational meetings with representatives of the industry. Prior to FY 1979 no such meetings were held on a regular basis; however, since the fall of 1978 the Department has met with industry representatives eight times in Seattle and has held 18 informational sessions with employees in various locations throughout the State.

The responsibility for enforcing the bonding requirements of AS 16.10.290, fish buyers and processors, was enacted into law in 1977. In FY 1980, 465 requests for certification were processed which involved several hundred pieces of correspondence, many interviews and investigations, as well as handling the claims against those bonds.

In 1980, a flextime overtime amendment to AS 23.10.060 was passed, (Chapter 0031 SLA 80). In the four months since that law became effective the Wage and Hour Division has approved and certified 31 agreements between the employees and employers who choose to take advantage of such a work plan.

In FCCS for House Bill 60 (1980) over 400 new public contracts were identified that the Wage and Hour Division must monitor in the upcoming building season, in addition to ongoing projects.

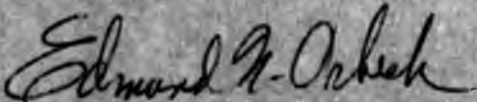
Senator Gilman

-4-

January 30, 1981

These additional duties and responsibilities were placed on the Wage and Hour Division without any additional funding. The Department cannot assume the workload inherent in Senate Bill 64 without the funding requested in our fiscal note.

Sincerely,



Edmund N. Orbeck  
Commissioner

cc: Community and Regional Affairs Committee



Erastable Chord

233 607 0 151111

## SENATE BILL 64 SUMMARY

### Section 1

"no representation" is added as one of the choices on an initial election for representation.

### Section 2

There are 3 classes of public employees under PERA:

1. Those who can not strike and must submit to binding arbitration (e.g., police)
2. Those who can strike after mediation and vote to do so. If the strike threatens the health, safety or welfare of the public, it can be enjoined and submitted to binding arbitration.
3. All employees not included in classes 1 and 2 -- may strike after a vote -- no binding arbitration.

This section puts non-certified school employees into class 3.

\*Issue: Is this the most appropriate class? If these employees were under the current version of PERA, they would probably be class 2.

### Section 3

Brings non-certified employees within the definition of "public employee."

\*Issue: What is the definition of "non-certified"? Does it include supervisory personnel?

### Section 4

There is no section 4 in this bill.

### Section 5

The term "school board" is defined to include REAA's.

\*Issue: A court case has stated that PERA does not apply to REAA's.

## Section 6

School boards (including REAA's) can not reject having PERA apply to non-certified employees. (Sec. ch. 113 SLA 1972 allows boroughs and political subdivisions to reject PERA)

\*Issue: Is it appropriate to take away this local option. For example, Anchorage applies PERA to some types of employees but not others.

## Section 7

This section "grandfathers" all collective bargaining units, representatives and agreements which were entered into before the effective date of the Act.

February 5, 1981

Senator Don Gilman, Chairman  
Senate Community and Regional Affairs Committee  
Pouch V  
Juneau, AK 99811

I would like to take this opportunity to point out the Juneau School District's current bargain collectively with classified employees. We feel we have developed a good labor relations package which meets the needs of our employees. I will include a copy of the agreement with our classified employees for your inspection which I feel will demonstrate that we have provided our employees with complete benefits in relation to labor market of Juneau area.

If it is necessary to pass a mandatory collective bargaining act for classified employees, it should be included as part of Section 14.20.550 of Alaska Statutes which deals direct with school district labor relations. I would like to go on record to be supportive of the concept of classified employees bargaining with the school district. However, I would be opposed to a multitude of laws covering employees and instead favor bringing all legal requirements under the same chapter in the statutes.

The Juneau School District would be opposed to placing classified employees under state labor relations act which is designed to serve the needs of state. If a labor relations act is necessary, the district should have the option to deal under the borough labor relations act or as political entities to develop a labor relations act of their own. However, the districts are placed in a position in dealing with employees when their requests must be submitted to the Bureau of Labor Relations which is a state agency.

an agreement reached if requested by either party, but these obligations do not compel either party to agree to a proposal or require the making of a concession;

(2) "election" means a proceeding conducted by the labor relations agency in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives, or for any other purpose specified in secs. 70 - 260 of this chapter;

(3) "labor relations agency" means the state personnel board with regard to the state and employees of the state, and means the Department of Labor with regard to all other public employees and all other public employers;

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

(5) "public employee" means any employee of a public employer, whether or not in the classified service of the public employer, except elected or appointed officials or teachers or noncertificated employees of school districts;

(6) "public employer" means the state or a political subdivision of the state, including without limitation, a town, city, borough, district, board of regents, public and quasi-public corporation, housing authority or other authority established by law, and a person designated by the public employer to act in its interest in dealing with public employees;

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

Sec. 23.40.260. SHORT TITLE. Secs. 70 - 260 of this chapter may be cited as the Public Employment Relations Act.

• Sec. 3. AS 09.43.010 is amended to read:

Sec. 09.43.010. ARBITRATION AGREEMENTS VALID; APPLICATION OF CHAPTER. A written agreement to submit an existing controversy to arbitration or a provision in a written contract to submit to arbitration a subsequent controversy between the parties is valid, enforceable and irrevocable, except upon grounds which exist at law or inequity for the revocation of a contract. However, this chapter does not apply to a labor-management contract unless it is incorporated into the contract by reference or its application provided for by statute.

• Sec. 4. This Act is applicable to organized boroughs and

political subdivisions of the state, home rule or otherwise, unless the legislative body of the political subdivision, by ordinance or resolution, rejects having its provisions apply.

• Sec. 5. AS 23.40.010 is repealed.

**CLASSIFIED PERSONNEL ORGANIZATION**

Fairbanks North Star Borough School District  
825 College Road  
Fairbanks, Alaska 99701 (907) 452-2023

file

February 6, 1981

Senator Don Gilman, Chairperson  
Senate Community and Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Gilman;

You have under consideration S.B. 64 which would place noncertificated employees of school districts under the auspices of the Public Employment Relations Act. We strongly urge action by your committee which will gain passage of this sorely needed legislation.

We wish to outline briefly why this legislation is needed.

1. We negotiate, at present, only with the consent of the School board. This consent can be withdrawn at any time. During the process we have been told that if we don't settle and cave in we will no longer have the "privilege" of "meeting" and "conferring" on wages, hours and other terms and conditions of employment.
2. Teachers and other public employees are recognized for collective bargaining by statute. Equity demands that we be statutorily recognized.
3. PERA provides that all agreements contain a binding arbitration of grievances procedure. We have been told the only way we will get this procedure into our Agreement is when it is mandated by the legislature.
4. PERA specifically defines "Unfair labor practices." The Labor Relations Agency is empowered to act, when charges, by either party, are filed, and to render relief from not "playing by the rules" as set forth in PERA. The rules, in the case of noncertificated school district employees, are made by the school board, a party to the process. In most activities where rules are established a referee is needed to enforce the rules.
5. PERA sets forth a procedure for conducting representative elections and for certifying the appropriate bargaining unit. Under present circumstances the school board determines the group, if any, with which it will bargain. To our knowledge the school board in Mat-Su will not bargain with its noncertificated employees even on their terms, although the employee organization has asked for this "privilege".

6. PERA provides equality at the bargaining table. Those of us who are "privileged" to meet and confer with the school board or its representatives do not have "finality" to the process. That is to say we cannot strike or submit the dispute to an arbitrator for final resolution.

The intent of the legislature when PERA was enacted was to create an orderly process by which public employees could collectively resolve problems. The law provides for a problem-solving mechanism which results in acceptable agreement. Sec. 23.40.070 declares, "...that it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government." To achieve these ends, the law provides:

- a. A problem-solving mechanism which results in mutually acceptable agreements.
- b. Defines unfair labor practices and provides a forum for resolving such charges.
- c. Binding arbitration as the final resolution to grievances arising under the collective bargaining agreement.
- d. A procedure for conducting and certifying representative elections.

In summary we ask that noncertificated School district employees be afforded the same rights that have been afforded Teachers, and other public servants.

Thank you for your cooperation in this matter. If we can be any assistance please don't hesitate to call on us.

Sincerely,



Frank Belts  
Business Agent

PB/mlh

cc  
Senators Sturgulewski, Zeigler,  
Colletta and Ferguson  
Senator Ray

**CLASSIFIED PERSONNEL ORGANIZATION**

Fairbanks North Star Borough School District  
825 College Road  
Fairbanks, Alaska 99701 (907) 452-2023

March 25, 1981

Senator Don G. Gilman, Chairperson  
Community and Regional Affairs Committee  
Pouch V, State Capitol  
Juneau, Alaska 99811

Dear Senator Gilman:

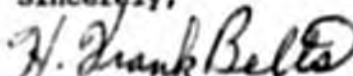
We understand that S.B. 64 will be up for a hearing Thursday, April 2, 1981. We strongly support this legislation and encourage you to pass it out of committee with favorable recommendations.

We have also heard that there is talk of providing an "employer-opt out" provision to the bill. We must go on record as strongly opposing such a provision for the following reasons:

1. Legislation is either worth applying to all concerned or it isn't.
2. School Boards must recognize teachers for collective bargaining purposes and equity demands that they also be mandated to recognize the other school district employees for this purpose. We are talking about school boards and their employees not boroughs and municipalities.
3. Legislation which has been passed over years requiring the levying of taxes would not have been of much benefit if an individual, corporation etc., were allowed to "opt-out". We should all be playing by the same rules.
4. In our specific case if S.B. 64 were passed with a provision that allowed employers to "opt-out" we would be just where we are now without the problem-solving mechanisms provided by the Public Employment Relations Act.

On February 6, 1981 we wrote you and other members of the committee outlining why we felt this legislation was important to noncertificated school district employees. Those needs exist and will continue to exist if the "opt-out" provision is adapted.

Sincerely,



H. Frank Belts  
CPO Representative

cc  
Senator Arlis Sturgewski  
Senator Mike Colletta  
Senator Robert Ziegler  
Senator Frank Ferguson



REPRESENTATIVE SALLY SMITH • 321 CHURCH STREET • FAIRBANKS, ALASKA 99701 • IN JUNEAU: POUCH V • JUNEAU, ALASKA 99801

March 27, 1981

Mark C. & Mary C. Goniwiecha  
1311 Denali Way  
Fairbanks, AK 99701

Dear Mr. & Mrs. Goniwiecha:

Thank you for your letters expressing your support for various legislative bills.

HB171 is in H HESS and SB 64 is in SCRA. I have sent copies of your letter to the respective committee chairmen, Representative Don Clocksin and Senator Don Gilman so they may refer to your letter during committee deliberations.

HB172 is in HSA and SB 143 is in SSA. I have sent copies of your letter to the respective chairmen, Mike Miller and Vic Fischer also.

Again, thanks for taking the time to express your views. It's good to know that people are responding to legislation that is of special interest to them.

Sincerely,

A handwritten signature in cursive script that reads "Sally".

Sally Smith  
Alaska State Representative

cc: Rep. Clocksin  
Sen. Gilman  
Rep. Miller  
Sen. Fischer

js

LETTERS AND TELEGRAMS RECEIVED

FOR AND AGAINST SB 64

FOR

Mike Hamilton  
President, Mat-Su School District  
Classified Personnel Organization

Deanna Didrickson, Palmer

Mick Daharsh, Wasilla

Randy Lacher, Palmer

Vance Hester, Palmer

Wilda Boggs, Palmer

Carol Reed, Palmer

Kay Nelson, Palmer

Mike Woodhead, Palmer

Doris L., Palmer

Tony W. Jones, Palmer

Marcia M. Hildreth, Wasilla

Lawrence Korte, Palmer

Diane Marble, Palmer

Marilyn Thom, Palmer

Robert L. Warner, Palmer

Robert W. Rhodes, Palmer

Stephan Alward, Palmer

Virginia G. Rickey, Willow

Cheryl L. Clark, Wasilla

Richard J. Jones, Talkeetna

Patti Jo Nelson, Palmer

Edmond Roy, Palmer

AGAINST

Fred Pomeroy, Superintendent  
Kenai Peninsula Boro School Dist.

Donald L. MacKinnon, Supt.  
City and Borough of Juneau S.D.

Wayne E. Taylor, Superintendent  
Nenana City Public Schools

Jim Zuelow, Superintendent  
Iditarod Area School District

Glen Chowning, Superintendent  
Delta/Greely School District  
REAA #15

Robert W. McConnell, Supt.  
Wrangell Public Schools

Stanley L. Bippus, Ph.D.  
Superintendent  
Pribilof Islands School District

Reed Larson  
National Right to Work Committee  
Washington D.C. Headquarters

Noreen E. Thompson, Superintendent  
Kodiak Island Boro School District

Dick H. Bower, Superintendent  
Aleutian Region School District

## LETTERS AND TELEGRAMS RECEIVED

## FOR AND AGAINST SB 64

FOR

Carol Bradley, Palmer  
Lyndee Collier, Palmer  
Christina Douglas, Palmer  
Wayne E. Young, Wasilla  
Richard E. Barlow, Palmer  
Gary Moore, Wasilla  
Amy Smith, Wasilla  
Thelma L. Dodds, Palmer  
Doris Marble, Palmer  
Linda Myers, Wasilla  
Kaye Hamilton, Palmer  
Jonathan H. Norbo, Palmer  
Marilyn G. McRae, Palmer  
Stephan Alwand, Palmer  
Elsie O'Bryan, Wasilla  
James E. Newcomb, Wasilla  
Patricia Gold  
President of Totem Association  
Anchorage School District  
Jessie Mae Scott, Fairbanks  
Marilyn Wenzlick, Fairbanks  
Beverly J. Kersey, Fairbanks  
Sandy Bryson-Lasater, Fairbanks  
Sharon R. McLaughlin, North Pole  
Chet Brown, Fairbanks  
Mrs. Michael Brandenburger, Anchorage

AGAINST

LETTERS AND TELEGRAMS RECEIVED

FOR AND AGAINST SB 64

FOR

Florence King  
Eielson A.F.B.

Carmelita Kreiser, Fairbanks

Doris E. Hart, Fairbanks

Mrs. S.H. Carter, Fairbanks

Dale D. Suomi, North Pole

Mary C. and Mark C. Goniwiecha  
Fairbanks

Penelope Alden, Fairbanks

Irene Mead, Delta Junction

Frank Belts, Classified  
Personnel Organization, Fairbanks

AGAINST

MSG 81-00003428 PRTY 1 02/04/81 12:53:40 ORIG: LM00 IN= 0006 OUT= 0009  
FROM: MARTIE/ MAT SU TO: SEN. GILMAN, COMM. AND REG. AFFAI  
TARGET: LJM2 SUBJ: POM PAGE 0001

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TO: SEN. GILMAN, CHAIR, COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
FROM: MIKE HAMILTON, PRESIDENT, MAT-SU SCHOOL DISTRICT, CLASSIFIED  
PERSONNEL ORGANIZATION, BOX 3137, PALMER, AK. 99645  
MAT SU SCHOOL DISTRICT CLASSIFIED EMPLOYEES STRONGLY SUPPORT SB64 RELATING TO L  
ABOR RELATIONS BETWEEN SCHOOL BOARDS AND THEIR EMPLOYEES. PASSAGE OF SB64  
WOULD BRING NON-CERTIFIED PERSONNEL INTO ALIGNMENT WITH OTHER PUBLIC EMPLOYEES  
RECOGNIZED BY STATE STATUTE COLLECTIVE BARGAINING PURPOSES. SB64 IS VITAL  
TO ENSURE EQUALITY TO ALL SCHOOL EMPLOYEES.

(5)

MSG 81-00003892 PRTY 1 02/06/81 17:31:18 ORIG: LM00 IN= 0006 OUT= 0058  
FROM: MARY/MATSU TO: JUNEAU INFORMATION  
TARGET: LJH2 SUBJ: P.O.M. PAGE 0005

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TO: SENATOR GILMAN, CHAIR; SENATOR ZIEGLER, VICE-CHAIR; SENATOR COLLETTA;  
SENATOR STURGULEWSKI; SENATOR FERGUSON  
FR: DEANNA DIDRICKSON, BOX 712, PALMER 99645  
MICK DAHARSH, BOX 1172, WASILLA 99687  
RANDY LACHER, BOX 3L34, PALMER 99645  
VANCE HESTER, P O BOX 2918, PALMER 99645  
WILDA BOGGS, P O BOX 296, PALMER 99645  
CAROL REED, BOX 141, PALMER 99645,  
KAY NELSON, BOX 170, PALMER 99645  
MIKE WOODHEAD, BOX 476, PALMER 99645

WE SUPPORT SB 64 WHICH GIVES ALL NON-CERTIFIED EMPLOYEES RECOGNITION BY  
THEIR LOCAL SCHOOL BOARDS AND ASSURES BINDING ARBITRATION IN MATTERS OF  
GRIEVANCES

MSG 81-00008769 PRTY 1 03/18/81 12:55:03 ORIG: LM00 IN= 0003 OUT= 0041  
FROM: MARY/MATSU TO: JUNEAU INFORMATION  
TARGET: LJH2 SUBJ: P.O.M. PAGE 0001

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TO: ALL SENATORS  
FR: MAT-SU SCHOOL DISTRICT CLASSIFIED PERSONNEL ORGANIZATION  
RE: SENATE BILL 64

OUR MEMBERSHIP OF 120 STRONGLY URGE PASSAGE OF SB64. NON-CERTIFIED EMPLOYEES ARE DISCRIMINATED AGAINST WHILE WORKING SIDE BY SIDE WITH CERTIFIED EMPLOYEES WHO ARE AFFORDED BARGAINING RIGHTS. WE TOO ARE A VITAL PART OF THE EDUCATIONAL TEAM, AS WELL AS BEING PUBLIC EMPLOYEES.

DORIS LEE, BOX 1813, PALMER 99645  
TONY W. JONES, BOX 2666, LMER 99645  
MARCIA M. HILDRETH, BOX 470, WASILLA 99687  
LAWRENCE KORTE, BOX 592, PALMER, 99645  
DIANE MARBLE, BOX 1151, PALMER 99645  
MARILYN THOM, SR A BOX 6007, PALMER 99645  
ROBERT L WARNER, BOX 287, PALMER 99645  
ROBERT W. RHODES, BOX 2727, PALMER 99645  
STEPHAN ALWARD, SR A BOX 6936, PALMER 99645  
VIRGINIA G. RICKEY, BOX 3, WILLOW 99688

---

MSG 81-00008769 PRTY 1 03/18/81 12:55:03 ORIG: LM00 IN= 0003 OUT= 0041  
FROM: MARY/MATSU TO: JUNEAU INFORMATION  
TARGET: LJH2 SUBJ: P.O.M. PAGE 0002

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CONTINUED FROM FORMER MESSAGE TO ALL SENATORS RE, SB 64

CHERYL L. CLARK, BOX 472, WASILLA 99687  
RICHARD J. JONES, BOX 109, TALKEETNA 99676  
PATTI JO NELSON, BOX 892, PALMER 99645  
EDMOND ROY, BOX 571, PALMER 99645  
CAROL BRADLEY, ST. RT. A BOX 6126, PALMER 99645  
LYNDEE COLLIER, BOX 2483, PALMER 99645  
CHRISTINA DOUGLAS, BOX 1480, PALMER 99645  
WAYNE E. YOUNG, BOX 1248, WASILLA 99687  
RICHARD E. BARLOW, SR B BOX 7550, A-2, PALMER 99645  
GARY MOORE, SR. BOX 3010, WASILLA 99687

MSG 81-00008769 PRTY 1 03/18/81 12:55:03 ORIG: LM00 IN= 0003 OUT= 0041  
FROM: MARY/MATSU TO: JUNEAU INFORMATION  
TARGET: LJH2 SUBJ: P.O.M. PAGE 0005

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TO: SENATE COMMUNITY AND REGIONAL AFFAIRS  
SENATOR GILMAN, SENATOR ZIEGLER, SENATOR COLLETTA, SENATOR FERGUSON,  
SENATOR STURGULEWSKI

FR: MAT-SU SCHOOL DISTRICT CLASSIFIED PERSONNEL

RE: SENATE BILL 64

YOUR SUPPORT OF SB 64 IS STRONGLY ENCOURAGED. THE PASSAGE OF THIS BILL  
WOULD ENSURE FAIRNESS AND EQUALITY FOR NON-CERTIFIED SCHOOL EMPLOYEES/  
SCHOOL BOARDS AGREE THAT IT IS IN THE BEST INTEREST OF THE PUBLIC TO  
DISCUSS MATTERS OF MUTUAL CONCERN FOR CERTIFIED PERSONNEL, THEREFORE,  
THE SAME COURTESIES SHOULD BE AFFORDED NON-CERTIFIED PERSONNEL.

AMY SMITH, BOX 614, WASILLA99687

MATTI NELSON, BOX 892, WASILLA99687

THELMA L. DODDS, BOX 811, PALMER99645

DIANE MARBLE, BOX 1151, PALMER99645

CAROL BRADLEY, ST RT A BOX 6126, PALMER99645

CHERYL L. CLARK, BOX 492, WASILLA 99687

LINDA MYERS,, SR BOX 5248, WASILLA 99687

MSG 81-00008769 PRTY 1 03/18/81 12:55:03 ORIG: LM00 IN= 0003 OUT= 0041  
FROM: MARY/MATSU TO: JUNEAU INFORMATION  
TARGET: LJH2 SUBJ: P.O.M. PAGE 0006

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CONTINUATION OF MESSAGE RE; SB64

KAYE HAMILTON, BOX 453, PALMER 99645

MARCIA HILDRETH, BOX 470, WASILLA 99687

EDMOND ROY, BOX 571, PALMER 99645

CHRISTINA DOUGLAS, BOX 1480, PALMER 99645

JONATHAN H. NORBO, S R D BOX 9556, PALMER 99645

TONY JONES, BOX 2666, PALMER 99645

MARILYN G. MCRAE, BOX 771, PALMER 99645

STEPHAN ALWAND, SR A BOX 6936, PALMER 99645

FROM: ELSIE O'BRYAN, SR BOX 2727, WASILLA, AK 99687

I AM URGING YOUR CONSIDERATION AT THE EARLIEST POSSIBLE TIME OF THIS BILL IN  
YOUR COMMITTEE SO THAT DELIVERY OF LAND DISPOSAL CAN BE IMPLEMENTED.

5

\*\*\*\*\*

P.O.A.

TO: SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
SENATORS GILMAN, ZIEGLER, COLLETTA, STURBULEWSKI, FERBUSON

FR: ✓ KAYE HAMILTON, BOX 653, PALMER 99645  
✓ MARCIA HILDRETH, P O BOX 470, WASILLA 99687  
✓ CHRISTINA DOUBLAS, P O BOX 1480, PALMER 99645  
✓ JAY SMITH, P O BOX 614, WASILLA 99687  
✓ EDMOND ROY, BOX 571, PALMER 99645  
✓ WAYNE E. YOUNG, BOX 1248, WASILLA 99687  
✓ JAMES E. NEWCOMB, BOX 25, WASILLA 99687  
✓ BARY MOORE, BOX 3025, WASILLA 99687  
✓ TONY W. JONES, P O BOX 2666, PALMER 99645  
✓ DORIS R. LEE, P O BOX 1813, PALMER 99645  
✓ MICHAEL D. HAMILTON, BOX 653, PALMER 99645

YOUR SUPPORT OF SB 64 WOULD MAKE SCHOOL BOARDS RECOGNIZE NON-CERTIFIED  
SCHOOL EMPLOYEES, ENSURE BINDING ARBITRATION IN MATTERS OF GRIEVANCE,  
GIVE EMPLOYEES A PLACE TO GO FOR UNFAIR LABOR PRACTICES. WE NEED THIS!  
THANK YOU FOR YOUR CONSIDERATION. \

Patricia Gold, President of the Totem Association, the bargaining unit for classified personnel of the Anchorage School District, called to urge Senator Gilman to give serious consideration to SB 64 and give it a do pass recommendation out of the Committee. They are in support of Senate Bill 64.

Senator Dow Gilman:

Dear Senator Gilman

You have in your Committee  
S.B. 64 which would provide  
Statutory recognition for  
bargaining to noncertified  
employees of School Districts.

I urge your Committee to pass  
this out of with a do pass  
recommendation. We have  
been second class Citizens  
to long.

Respectfully:

Jessie Mae Scott

Pbks.

Senator Don Gilman, Chairperson  
Community and Regional Affairs Committee  
Panel 4, State Capitol  
Juneau, Alaska 99811

March 14, 1981

Dear Senator Gilman,

I am writing to express my strong support for  
S.B. 64 which you have in your committee. School  
Boards must bargain with teachers but noncertificated  
school district employees have not been afforded  
this basic right. I urge you to take favorable  
action on S.B. 64 and eliminate the inequity  
that now exists.

Sincerely  
Maibyn Henrich  
1008 Pioneer Rd  
Fairbanks, Alaska 99701

March 12, 1981

Dwery J. Kersey  
P.O. Box 20528A  
Fairbanks, AK  
99701

Dear Senator Hilman,

I am writing to you in regards to bill SB.64. I truly feel we should have bargaining rights as a non-certificated employee of the Tokso North Star Borough School District. We should have rights too.

Please consider the Public Employment Relations Act in favorable light and pass this bill.

Sincerely,

Dwery J. Kersey

71 State St. #2  
Fairbanks

Alaska 99701  
March 14, 1981

Senator Don Gilman, Chairperson  
Community & Regional Affairs Committee  
Pouch V, State Capitol  
Juneau, Alaska 99811

Dear Senator Gilman:

I am writing to express my  
strong support for S.B. 64 which  
you have in your committee.  
School boards must bargain with  
teachers but noncertified school  
district employees have not been afforded  
this basic right. I urge you to take  
favorable action on S.B. 64 and  
eliminate the inequity that now exists.

Sincerely,  
Sondi Dupon-Lester

March 14, 1981

Senator Don Helman, Chairperson  
Community & Regional Affairs Committee  
Rauch V, State Capital  
Juneau, Alaska 99811

Dear Senator Helman:

I wish to express my desire to see S.B. 64 passed out of your committee. I feel we, the non-certified School District employees, should be given statutory recognition for bargaining with our School board.

I understand that you are the person I should correspond with on this subject and would sincerely appreciate any help you can give us.

Sincerely,  
Aeron R. McLaughlin  
Secretary - A.P.S.D.S.

March 14

Senator Dan Gilman, Chairperson  
Community and Regional Affairs Committee  
Pouch V, State Capital  
Juneau, AK. 9811

Dear Senator Gilman

This letter is to express my very  
strong support of S.B. 64 which you  
have in your committee. Non-Confidential  
are not allowed the Basic Right of  
Negotiation. I urge you to take  
favorable action on S.B. 64 + give us  
this Right by law.

Thank you  
Chet Brown.

F. Ks

Mrs. Michael Brandenburger  
2630 Porter Place  
Anchorage, Alaska 99504

March 20, 1981

Senator Don Gilman, Chairperson  
Community and Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Gilman:

I am writing to you urging your support in a very important and public concern: Senate Bill 64.

Noncertified school district employees are attempting to gain bargaining power with the school boards. As it stands now the teachers have the bargaining power, but the noncertified people do not. Seems unfair to me. They can not afford to hire a lobbyist, like the school teachers can, & they are at the clemency of your committee to pass it with a favorable stamp of approval.

Are we not a nation of equity?

Again I urge your support and urge strongly for your committee to pass on with a favorable green light.

Sincerely,

*Mrs M.A. Brandenburger*

Mrs. M.A. Brandenburger

March 20, 1981

Senator Don Gilman (Chairman)  
Community and Regional Affairs Committee  
Pouch V, State Capitol  
Juneau, Ak. 99811

Dear Senator Gilman:

You have in your committee S. B.  
64 which would provide statutory recog-  
nition for bargaining to noncertificated  
employees of school districts. I urge your  
committee to pass this out with a do  
pass recommendation. We have been  
second class citizens too long.

Thank you for your cooperation

Respectfully,

Florence King

P.S. I have been with  
the school district for  
13 yrs.

Edson A.F.B.

409 Fairbanks ST.

Fairbanks, Alaska

99701

Senator Don Gilman, Chairman  
Community and Regional Affairs Committee  
Pouch U, State Capitol  
Juneau, AK.

99811

Dear Senator Gilman,

For some time now we have  
been attempting to gain statutory  
recognition for bargaining with our  
School Board. S.B. 64 which you  
have in your Committee would

provide us with that right.  
Non-certificated School district  
employees are not well organized  
like the merged people. We  
can't afford to have a lobbyist

no. Suits to work for our  
causes. Does that mean that our  
needs will go unmet? all we  
are asking for is equity. with other  
employees by placing us under  
the auspices of the Public  
Employment Relation act.

Please consider S.B. 64 on a  
favorable light and pass the  
bill out of your committee

Sincerely

Carmella Krause

TO: SENATOR GILMAN, CHAIRMAN, C & R A  
FR: LINDA MEYERS, LEG. AFFAIRS CHAIRMAN, MAT-SU CLASSIFIED PERSONNEL  
ORGANIZATION, SR BOX 5248, WASILLA 99687

WOULD YOU PLEASE LET ME KNOW IF YOUR COMMITTEE PLANS FURTHER HEARINGS  
ON SB 64 AND/OR WHEN YOU EXPECT IT TO COME UP FOR A VOTE TO BE PASSED  
OUT OF COMMITTEE? THANK YOU.

Doris E. Hart

1307 9th AVENUE • FAIRBANKS, ALASKA 99701

Mar. 16, 1981

Dear Senator Sulman

For some time now we have been attempting to gain statutory recognition for bargaining with our school board. S.B. 64 which you have in your committee would provide us with that right.

Noncertificated school district employees are not well moneyed people. We cant afford to place a lobbyist in Juneau to work for our causes. Does that mean that our needs will go unmet? all we are asking for is equity, with other employees by placing us under the auspices of the public employment relations act.

please consider S.B. 64 in a favorable light and pass the bill out of your committee

for SB 64  
non-cert school employees

Sincerely  
Doris E. Hart

Mar 14 1981

Director Leon Hillman, Chesapeake  
Community Response Committee  
P.O. Box 1, Pitta Square  
Greenwood, Md. 21781

Dear Director Hillman,

I am writing to express my  
strong support for P.B. 64 which  
will provide a history of  
which you are helping to  
create. The importance of such  
documentation is hard to  
overstate. It is vital to the  
community and the integrity of  
our society.

for SB 64  
Mar 64. School Sept

Mrs. Carter  
Greenwood

Mrs. S.H. Carter  
SR Box 20039  
Fairbairns, Md.  
9971

29 March 81

Senator Don Gilman, Chairman  
Community and Regional Affairs Committee  
Pouch V, STATE Capital  
Juneau, Alaska, 99811

Dear Senator Gilman,

As a custodian working for the North Star Borough School District, I would like to express my strong support for S.B. 64 which you have in your committee. Teachers and all certified persons have the right to bargain with the school boards, but us non-certified school district employees do not have this basic right. Sir, I urge you to act favorable on SB 64 and give us the equity which we don't have now.

Thank you,  
Sincerely,

Dale D. Seoni

Dale D. Seoni

P.O. Box 55333

North Pole, Alaska

99705

March 11, 1981

SB 64

Dear Senator Gilman,

Just a note to let you know that we are IN FAVOR of Senate Bill 64 and House Bill 171, both of which would recognize the right of classified employees to bargain with school boards and place school district non-certificated employees under the auspices of the Public Employee Relations Act. We urge you to support passage of this important legislation during the current session.

Thank you.

Sincerely,

Mary C. Goniwiecha  
Mark Goniwiecha

Mary C. and Mark C. Goniwiecha  
1311 Denali Way  
Fairbanks, AK 99701

MSG 81-00007880 PRTY 1 03/11/81 18:44:19 ORIG: LF00 IN= 0026 OUT= 0118  
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.  
TARGET: LJH2 SUBJ: POM PAGE 0001

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TO: SEN. GILMAN, CHAIRPERSON, COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
FROM: PENELOPE ALDEN, 705 BENTLEY DRIVE WEST, FAIRBANKS 99701 456-5373  
RE: S.B. 64

I WOULD LIKE TO SUPPORT S. B. 64 RECOGNIZING THE RIGHT OF CLASSIFIED  
EMPLOYEES TO BARGAIN WITH SCHOOL BOARDS.

*file  
in SB64*

March 9, 1981

Ms. Irene Mead  
P. O. Box 186  
Delta Junction, Alaska 99737

Dear Ms. Mead:

Senate Bill No. 64 has already left the Health, Education and Social Services Committee and is now in the Community and Regional Affairs Committee.

I am forwarding a copy of your letter to Senator Don Gilman, Chairman, for consideration by the Community and Regional Affairs Committee.

Sincerely,

Charles H. Parr

CHP:vc

cc: Senator Don Gilman ✓  
Chairman, C & RA Committee

Senator Bill Ray

C  
O  
P  
Y



# Alaska State Legislature

## Senate

### Committee on Transportation

Senator Bill Ray  
Chairman

Official Business  
Pouch V  
State Capitol  
Juneau, Alaska 99811

March 4, 1981

Irene Mead  
P.O. Box 186  
Delta Junction, AK 99737

Dear Ms. Mead:

This is to acknowledge receipt of your correspondence concerning Senate Bill 64.

The bill is presently in the Health, Education & Social Services Committee. I am forwarding a copy of your letter to the members for their consideration.

Thank you for providing your views in this matter. I recognize the problem and am working to alleviate it.

Sincerely,

A handwritten signature in cursive script that reads "Bill Ray".

Bill Ray  
Senator  
District C

cc: Senator Parr  
Senator Stimson  
Senator Colletta  
Senator Fischer  
Senator Kelly

Dear Senator Bay, February 27, 81

I work as a custodian supervisor at the Delta Junction school, I have 2 children, divorced. I have been employed at the school since 1970, except for a stint on the pipeline. In 1975 we were under the state and had the Tri-Trade union. Then while I was gone on the pipeline, the community took over the school. When I got back (re-hired) I was amazed that the community chosen and the union and they were exempt from recognizing the un-classified employees as having bargaining rights. About three years ago I called personnel in the North Star Borough - Fairbanks and asked how their employees were allowed to join the Teachers union, the fellow on the phone said "with the school boards blessing". They realized that these people need a decent living. Here in Delta we are held at \$200 under Fairbanks, the old argument about the people having to pay borough taxes & rent hold water because we have real high prices to pay here as every thing is back hauled as we can journey to Fairbanks by private vehicle 200 miles round trip. We really do believe Type work and we really need some adequate wages.

Please show that the staff of unclassified employees have dignity

Support your bill No 64. I have  
minuted copies for others. If there  
is any way we can do anything  
on our own, please advise. Our  
views seem to be lining up with  
bill passing. There isn't much  
work in Delta.

Sincerely  
J. M. M.

TO SENATORS GILMAN, ZIEGLER, COLLETTA, STURGULEWSKI AND FERJUSON  
FROM CHERYL CLARK, P.O. BOX 472, WASILLA, AK. 99687  
I AM IN FAVOR OF SB 64. PLEASE SUPPORT IT.

(5)

✓

MSG 81-00003500 PRTY 1 02/04/81 16:19:07 ORIG: LF00 IN= 0011 OUT= 0056  
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.  
TARGET: LJM2 SUBJ: POM PAGE 0001

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TO: SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
SEN. DON GILMAN, CHAIRMAN AND SENS. ZIEGLER, COLLETTA, FERGUSON,  
AND STURGULEWSKI

FROM: FRANK BELTS, CLASSIFIED PERSONNEL ORGANIZATION REP., FAIRBANKS NORTH  
STAR BOROUGH SCHOOL DISTRICT, 825 COLLEGE RD. FAIRBANKS 99701 452-2023

THE CLASSIFIED PERSONNEL ORGANIZATION OF FAIRBANKS STRONGLY SUPPORTS SB64.  
THIS SORELY NEEDED LEGISLATION WILL RECTIFY MANY INEQUITIES AND GIVE  
CLASSIFIED EMPLOYEES OF SCHOOL DISTRICTS THE SAME RIGHTS AS OTHER PUBLIC  
EMPLOYEES.

ALANSON, INC.  
PHONE 586-4412  
JUNEAU, AK 99802

File  
IN SB64

02090 TDA SOLDOTNA ALASKA 79 02-03 0348P AST  
PHS SEN DON GILMAN 465-4934  
POUCH V        156  
JUNEAU AK 99811

I AM COMMUNICATING WITH YOU IN REGARD TO SENATE BILL 64.  
THE KENAI PENINSULA BOROUGH SCHOOL DISTRICT BELIEVES THAT  
THE RIGHT TO STRIKE AND BINDING ARBITRATION ASPECTS OF THIS  
BILL ARE INAPPROPRIATE. WE BELIEVE THAT A LOCAL SCHOOL  
DISTRICT SHOULD HAVE THE OPTION OF NEGOTIATING THESE ITEMS  
IN OR OUT OF A NEGOTIATED AGREEMENT. THESE ITEMS SHOULD  
NOT BE MANDATED BY A LEGISLATIVE ACTION.

I TRUST THAT YOU CAN SUPPORT THIS VIEW WHEN YOU CONSIDER  
SENATE BILL 64.

FREL POMEROY, SUPERINTENDENT  
KENAI PENINSULA BOROUGH SCHOOL DISTRICT

CITY AND BOROUGH OF JUNEAU SCHOOL DISTRICT  
P.O. BOX 808 • DOUGLAS, ALASKA 99821

February 5, 1981

Senator Don Gilman, Chairman  
Senate Community and Regional Affairs Committee  
Pouch V  
Juneau, AK 99811

I would like to take this opportunity to point out the Juneau School District's current bargain collectively with classified employees. We feel we have developed a good labor relations package which meets the needs of our employees. I will include a copy of the agreement with our classified employees for your inspection which I feel will demonstrate that we have provided our employees with complete benefits in relation to labor market of Juneau area.

If it is necessary to pass a mandatory collective bargaining act for classified employees, it should be included as part of Section 14.20.550 of Alaska Statutes which deals direct with school district labor relations. I would like to go on record to be supportive of the concept of classified employees bargain'ing with the school district. However, I would be opposed to a multitude of laws covering employees and instead favor bringing all legal requirements under the same chapter in the statutes.

The Juneau School District would be opposed to placing classified employees under state labor relations act which is designed to solve the needs of state. If a labor relations act is necessary, the district should have the option to come under the borough labor relations act or as [unclear] entities to develop a labor relations act of their own. The parameters of labor relations act could be spelled out in statute. However, the districts are placed in a very awkward position in dealing with employees when their budgets must be submitted to the Bureau Assembly. It makes more sense that they should come under a labor relation act which covers all Borough employees, rather than the State Act.

Respectively Submitted,

*Donald L. MacKinnon*  
Donald L. MacKinnon  
Superintendent of Schools

DLN:el  
cc

WAYNE E. TAYLOR  
Superintendent  
832-5484  
832-5625

## NENANA CITY PUBLIC SCHOOLS

P.O. BOX 127  
NENANA ALASKA 99760

February 17, 1981

Senator Don Gilman, Chairman  
State, Community & Regional Affairs  
Pouch V  
Juneau, AK 99811

Dear Senator Gilman:

Nenana Public Schools is strongly opposed to SB-64, concerning labor relations with employees other than certified.

Nenana Public Schools is a small 1st class city district with a total of 200 students, 19.5 certified personnel and eight non-certified personnel.

Our non-certified are not organized as a union and never have been in the history of the district. They are treated fairly and equitably by the District.

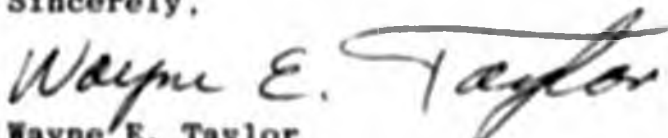
Any bill that gives non-certified employees the right to organize, bargain collectively, strike, and binding arbitration gives them powers to do whatever they wish to do.

This bill places further burdens on the already overburdened small districts where we have to negotiate with everyone, have binding arbitration with everyone, etc. I am the central office administration of one. This bill would place additional burdens on mine and the school boards time. It would also work to the detriment of the students in a district.

What do you think would happen if the non-certified struck in a small town? It is totally nonacceptable by the community. Non-certified employees can already take any grievances to the NLRB and the courts. Why add another step (and an expensive one, I might add) to the already overburdened system of "rights" everyone has in America. What happened to the children in our schools and the concern for them?

The Board also feels this is another encroachment by the government on local control. They are elected by the people of the district and should be allowed to run the District within the laws of Alaska and the United States, to the satisfaction of the local community.

Sincerely,

  
Wayne E. Taylor  
Superintendent

WET:bjw

cc: Senator Ferguson  
Senator Zeigler

Senator Colletta  
Senator Sturgulowski

Robert Green,  
School Board Association



**ASSOCIATION OF ALASKA SCHOOL BOARDS**

SUITE 3, 204 NORTH FRANKLIN STREET • JUNEAU, ALASKA 99901 • PHONE 586-1063

February 11, 1981

*File in  
SB 64*

Senator Don Gilman  
Alaska State Legislature  
203 Behrends Building  
Juneau, Alaska

Dear Senator Gilman:

In regards to SB 64, we received the following message from Jim Zuelow, Superintendent, Iditarod Area School District. The message came over the Electronic Mail System that connects all school district central offices in the state:

IASD strongly urges proposed bill not be considered additionally. Simply stated, IASD does not conduct negotiations according to traditional methods--this bill would tie our hands. Why try to fix that which is not broken? If some districts need help negotiating, perhaps a legislative committee could review the particulars of each case.

The problem is vastly more complex than it appears. I am also a superintendent who favors collective bargaining. Please call if we can help clarify our viewpoint.

Sincerely,

*BOB GREENE*

Robert C. Greene  
Executive Secretary

RCG/aj

cc: Jim Zuelow, Supt.  
Iditarod Area  
School District