

ALASKA LEGISLATURE COMMITTEE FILES 1983 - 1984 8672
2606 SLC SB 145 - SB 154 (File 1)

Duty - Board of Marine Pilots regulates pilotage on registered vessels (vessels engaged in foreign trade)

Members - 2 marine pilots
2 managers of vessels
2 public members
+ Commissioner of Commerce + Economic Dev

Action Taken - License qualified pilots
by Board - Take disciplinary action against negligent or incompetent pilots
- Regulate pilotage fees

Summary of Audit - Should continue to regulate and license the marine pilotage profession

Recommendation to Board

- 1) Define terms used in regulations
- 2) Require procedure be completed

Recommendation to Dept of Commerce

- 1) Ensure public notices of examinations are sufficiently + timely advertized
- 2) Delete questions which could lead to discrimination

Budget Impact of Board of Marine Pilots

License renewal (\$300.00) is required biennially; therefore the revenue is not constant each year. The amount listed for expenditures are funded in the Division of Occupational Licensing. Board of Marine Pilots has allocation of \$7,900 for travel/per diem.

S B

146

I. REQUEST

Bill/Resolution No.: SB 146
 Title: An act relating to the State Bonding Act and the coordination of Bond sales.
 Sponsor: Sturgulewski, P. Fisher, Halford, Gilman
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: DOT/PF
 Program Category Affected: _____

BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING		70.0	73.5	77.5	81.4	85.5
100 PERSONAL SERVICES		60.0	63.0	66.2	69.5	73.0
200 TRAVEL						
300 CONTRACTUAL		10.0	10.5	11.3	11.9	12.5
400 COMMODITIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING	-0-	70.0	73.5	77.5	81.4	85.5
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	70.0	73.5	77.5	81.4	85.5

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	1	1	1	1	1
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Amounts expended from the appropriation authorizing the funding of the position shall be reimbursed to the general fund from the proceeds of the sale of bonds authorized by the legislature and qualified voters of the State.

IV. ANALYSIS: See Attached for Analysis.

Prepared By: Mavis V. Waarvik Phone: 364-4331
 Division: Planning and Programming - Southeast Region Date: March 4, 1983

Approved by Commissioner: *[Signature]* Date: March 25, 1983
 Department: Transportation and Public Facilities

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different for Sponsor)

IV. ANALYSIS:

One full-time staff position will be created by the Bond Committee.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

POUCH 2
JUNEAU, ALASKA 99811
(TELEX 45-328)

April 6, 1983

The Honorable Richard I. Eliason
Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Eliason:

As requested by a member of your staff, we are providing the enclosed position paper on SB 146, "An Act Relating to the State Bonding Act and the Coordination of Bond Sales".

Sincerely,



Daniel A. Casey
Commissioner

cc: John C. Bates, Director
Statewide Planning and Programming

Fred J. Seeger, Deputy Commissioner
Standards and Statewide Programs

Wayne E. Weeks, Manager
Unit Support

Paula Ramsey, Planner IV
Unit Support

Emil Notti, Legislative Assistant
Office of the Governor

Enclosure

DAC:FJS:PR:ag:rw

SB 146 - An act relating to the State Bonding Act and the coordination of Bond Sales.

There are two main objectives that Senate Bill 146 will accomplish.

The first objective the bill accomplishes is to increase the number of members on the State Bond Committee from three to five. This is to be done by adding the Director of the Office of Management and Budget (OMB) and the Commissioner of the Department of Transportation and Public Facilities (DOT/PF) as full fledged members of the committee. At present, the Commissioner of DOT/PF is a non-voting member. By the addition of these two positions, the committee will achieve an overall balance it presently does not have. The Director of the OMB is involved with the entire state budget - both the capital and operating parts - and will be able to contribute an informed viewpoint regarding the existing budgetary status and the direction the budget is expected to take in the future. Since the Department of Transportation and Public Facilities is involved in constructing roads and buildings funded wholly or in part by proceeds of bond sales, it would certainly be beneficial to the committee and to DOT/PF to have the Commissioner be a full fledged member of the committee.

The second major objective this bill accomplishes is that it gives the State Bond Committee the responsibility for defining the total debt status of the State. In the annual report, the State Bond Committee would present Alaska's bonded debt profile and recommend a debt issuance capacity for the next two years. The bonded debt profile is a needed document, especially when considering the separate general obligation debt, revenue bond debt, public corporate debt, and municipal debt for which the state government is ultimately responsible. At the present time, no state agency is responsible for presenting a combined bonded debt profile and analysis. Ultimately, the State of Alaska is responsible for all bonded indebtedness, including public corporation, and a decrease in the ability to make interest or principal payments would reflect directly in Alaska's bond rating and indirectly on future rates of interest.

CHAIRMAN:
LANCE ANDERSON

BOARD MEMBERS:
ROBERT HEATH
MARK LEWIS
WINTHROP HOVEY
LARRY URBACH



601 WEST FIFTH AVENUE
SUITE 430
ANCHORAGE, ALASKA 99501
(907) 274-7366

EXECUTIVE DIRECTOR:
PERRY T. DAVIS

ALASKA MUNICIPAL BOND BANK AUTHORITY
April 7, 1983

Hon. Richard Eliason
Chairman
Labor and Commerce Committee
State Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

The Alaska Municipal Bond Bank was established to assist municipalities in obtaining financing for capital improvements.

To continue to provide this service, House Bill No. 319 must be approved by the Legislature and signed by the Governor.

We will close on May 3, 1983 a bond issue of \$26,985,000 for the City and Borough of Juneau and the City of Unalaska at an interest cost of 8.56% and 9.35% respectively.

The above issue brings our outstanding debt to our maximum capacity of \$150,000,000. It was necessary to reduce Juneau's request by \$6,000,000, Unalaska's by \$1,000,000 and delete a request by Nome for \$1,000,000 because of the above limit.

In addition to the balance for Juneau, Unalaska and Nome, we currently have preliminary inquiries from the following municipalities for near term funding:

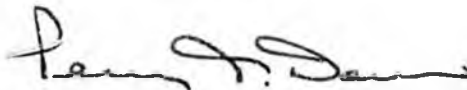
Homer	\$ 6,000,000	Water Line
Homer	3,000,000	Port Facility
Ketchikan	15,000,000	School
Ketchikan	3,000,000	Fire and Dock
Kenai	1,000,000	Port Facility
Fairbanks	4,000,000	Utility (Revenue)
Bethel	1,000,000	Community Center
Soldotna	1,200,000	Fire Department
		Renovation

April 7, 1983
Page Two

I have written all members on the House and Senate Labor and Commerce Committees, Speaker Hayes and President Kerttula, and have enclosed a copy of the Bond Bank's 1982 Annual Report.

Your support of this bill and an appropriation to the Bond Bank's Reserve Fund is urgently needed.

Sincerely,



Perry T. Davis
Executive Director

PTD/dlc

Enclosure

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.
TITLE PAGE ONLY HAS BEEN FILMED.

ALASKA MUNICIPAL BOND BANK

**1982 Annual Report
And Financial Statements**

SB 146 TITLE & SPONSOR SUMMARY

14:14 5/22/84 PAGE 1 OF 2

AMENDED TITLE:

AN ACT RELATING TO THE STATE BONDING ACT AND THE COORDINATION
OF BOND SALES

PRIME SPONSOR: STURGULEWSKI.

CO-SPONSORS: FISCHER, P. , HALFORD, GILMAN, RODEY.

CURRENT STATUS: 2/25/83 IN (S) LABOR & COM REFERRAL: FINANCE

SB 146 SENATE ACTION

14:14 5/22/84 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/25/83	01	0264	FIRST READING -- COMMITTEE REPORTS LABOR & COMMERCE FINANCE RULES

**** ** ** *** ** *

INTRODUCTION OF BILLS (Senate)(cont'd)

SB 144 (cont'd)

Amends section relating to court suspensions, revocations and limitations of a driver's licenses (AS 28.15.181) to provide that a violation of the nighttime driving restriction is grounds for the immediate suspension or revocation of a license. The license is to be revoked for a period of not less than 30 days for the first conviction, unless the court determines that the person's ability to earn a living would be severely impaired, and a limitation can be placed on the license which will enable the person to earn a living without excess risk or danger to the public. Upon a second conviction the license shall be revoked for not less than one year. Upon a third or subsequent conviction the license shall be revoked for not less than three years.

Does not provide for an effective date (becomes law 90 days after Governor's approval).

Introduced February 24 and referred to Transportation, then to Judiciary.

Board of
Marine Pilots
(cont. exist.)

SENATE BILL NO. 145, by the Labor & Commerce Committee. (See HB 218, page 215, identical).

Introduced February 24 and referred to Labor & Commerce.

State Bonding
Act
(amending)

SENATE BILL NO. 146, by Senators Sturgulewski, P. Fischer, Rodey Halford and Gilman. Amends laws governing the issuance of state general obligation bonds (AS 37.15, State Bonding Act).

Amends AS 37.15.040, "Sale of Bonds," to require that the State Bond Committee sell all bonds through a public offering with competitive bidding.

Revises laws relating to the State Bonding Committee (AS 37.15.110 - 140). Places the Committee in the Dept. of Revenue and adds the Commissioner of Transportation & Public Facilities and the Director of the Office of Management and Budget in the Governor's Office as members. Adds section establishing the terms of members (to coincide with the term of member's position as commissioner or director). Adds section on compensation and per diem, to provide that members serve without compensation but are entitled to per diem and travel expenses authorized by law for other boards and commissions. Rewrites section which grants the Committee statutory authority to adopt regulations ("may adopt regulations implementing the provisions of this chapter in accordance with the Administrative Procedure Act").

Deletes current provision which establishes the Commissioner of Commerce & Economic Development as the Chairman and the Commissioner of Revenue as the Secretary of the Committee. Instead allows the committee members to elect the chairman, vice-chairman and secretary and to prescribe their specific duties by rule.

Allows the Committee to employ personnel, to be in the partially exempt service of state employment as described in AS 39.25.120.

SB 146 (cont'd)

Amends AS 39.25.120 accordingly.

Rewrites section listing the duties of the Committee, expanding significantly over the existing law which only directs the Committee to "adopt the resolution and prepare the documents necessary for the issuance, sale, and delivery of bonds."

New section directs the Committee to coordinate all offerings of general obligation and revenue bonds in order to maximize the state's credit rating and secure the most favorable bond sale terms. Additional duties include: reviewing and making recommendations to the Governor on the security surrounding bond sale offerings; adopting bidding arrangements; adopting regulations for the competitive selection of a financial advisor and a bond counsel and determining the method for computation of fees for payment of each; advising public corporations regarding recommended bidding arrangements for bond offerings and guidelines for the competitive selection and compensation of a financial advisor and a bond counsel; adopting the resolutions and preparing documents for issuance, sale, and delivery of bonds; collecting and compiling information on the issuance of general obligation, revenue, and municipal bonds by the state, public corporations, municipalities, and other public entities in the state; and reporting annually to the governor, legislature, and the public.

Adds new section detailing the subjects to be covered in the Committee's annual report to the Legislature and Governor. Report must be made by the 10th legislative day of each session.

Amends law governing the Alaska Municipal Bond Bank Authority (AS 44.85) by addition of new section which directs the Authority to "consult with the municipalities and the State Bond Committee (AS 37.15) in order to coordinate bond sales in a manner that maximizes the credit of the state in the bond market and enhances the marketability of all bonds sold by public entities in the state."

Does not provide for an effective date (effective 90 days after Governor's signature).

Introduced February 25 and referred to Labor & Commerce and Finance.

Drivers
(safeguarding
self-identity)

SENATE BILL NO. 147, by Senator Kerttula. Amends the portion of the Motor Vehicle Code which requires drivers who are involved in accidents to identify themselves and render assistance to injured persons. Currently law reads that a driver who is "involved in an accident resulting in injury to or death of a person or damage to a vehicle which is driven or attended by a person shall give his name, address, and vehicle license number to the person struck or injured, or the operator or occupant, or the person attending, and the vehicle collided with and shall render to any person injured reasonable assistance"

The bill adds: "However, the operator of a vehicle who desires to safeguard self-identity and address may satisfy this requirement by

S B

154

1

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 15, 1983

SUBJECT: Municipal exemption option
(CSSB 154 (L&C))

TO: Senator Richard I. Eliason
Chairman, Senate Labor and
Commerce Committee

FROM: Thomas A. Sofo *AS*
Legislative Counsel

I have provided your office with the requested CSSB 154 (L&C) in two versions. The legal effect of both versions is equivalent. Version No. 1 only differs from Version No. 2 in as much as it enacts into permanent law the municipal exemption option which is currently in our special and temporary laws, at sec. 4, Chapter 113, SLA 1972. The original placement of that section seems to be in error since it is a section which has continuing effect and validity. At the present time, unless one is careful to read the editor's notes under AS 23.40, one can easily be unaware of the existence of the municipal exemption option. For that reason, this office would recommend different placement of that language by including it in the text to AS 23.40. That has been done in Version No. 1 by including it as subsection (a) to AS 23.40.227 which is contained in Sec. 1 of the bill draft.

Version No. 2 is merely the same bill without relocation of the subject matter contained in sec. 4, Chapter 113, SLA 1972. You will notice that subsection (b) of AS 23.-40.227 of Version No. 1 is the same as the single section added by AS 23.40.227 in Version No. 2 of the Act.

In this memo, I would also like to raise an additional point which is related to this bill. I have been shown a draft which apparently has come from the Department of Labor which does not include a list of the specific rights under the Public Employment Relations Act which are to apply to municipalities exercising the exemption option. The term of art

Senator Richard W. Eliason

Page 2

April 15, 1983

which the Department of Labor has chosen to use is "substantially comparable" procedures and privileges. That term is loaded with ambiguity and we would strongly advise against the inclusion of that terminology in a bill of this nature. If, upon reflection, you desire to have that approach used instead of the one currently in the attached versions of this committee substitute, we will revise the bill at that time to comply with your wishes.

*Version
3*

TAS:ljb

Enclosures
15/002

STATE OF ALASKA
FISCAL NOTE

Revision Date April 22, 1983

I. REQUEST

Bill/Resolution No. CS for Senate Bill 154
Title: Municipal Exemption Option to PERA
Sponsor: Senator Fahrenkamp
Requestor: Senate Labor and Commerce

II. FISCAL DETAIL

Agency Affected Labor
Program Category Affected Worker Protection
BRU, Program of Subprogram(s) Affected:
Labor Standards and Safety, Wage and Hour

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not Applicable

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: ^{AB} Robert J. Bacolas, Sr. *R. Bacolas* Phone 465-4870
Division: Labor Standards and Safety Date: April 22, 1983

Approved by Commissioner: ^{AB} Jim Robison *Jim Robison* Date: April 22, 1983
Department: Labor

LEG:A:42

Distribution:

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- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Bill No. Senate Bill 154

Date March 10, 1983

Title "An Act repealing the municipal exemption option to the public employment relations act."

Contact: Judy Knight
465-2700
Bob Bacolas
465-4870

This legislation would repeal the opt out provision of the public employment relations act (PERA) which currently allows political subdivisions, by local ordinance or resolution, to reject having PERA apply to their public employees. This legislation would apply to all political subdivisions of the state, including without limitation, towns, cities, boroughs, districts, Board of Regents, public or quasi-public corporations, housing authority or other authority established by law, or persons designated by the public employer to act in its interest in dealing with public employees.

The department has functioned as the labor relations agency for all political subdivisions of the state since the inception of the public employment relations act (PERA) of 1972. This responsibility involves political subdivisions who had not elected to opt out of PERA as provided for under Chapter 113, SLA, 1972, and have subsequently had its employees organized by a collective bargaining representative.

The majority of the political subdivisions in the state opted out of PERA in a timely fashion. The department has only had eight political subdivisions covering 426 public employees to administer on a regular basis. Those are: Ketchikan Borough, Petersburg Electrical Utility, City of Seward, Cordova Electrical Utility, City of Bethel, City of Unalaska, Fairbanks North Star Borough, and the City of Nome. Occasionally the department has had to conduct elections involving employers who had not opted out of PERA in a timely fashion, prior to its employees organizing activities. However, the unions were unsuccessful in those cases and the employer then opted out of PERA subsequent to the election.

The department currently provides service to public employer/employees on a day to day basis with regards to interpretation of PERA and the scope of its application. These activities have routinely required the services of one-half of a Wage and Hour Investigator position. However, this activity must be supplemented during the election and hearing processes.

This legislation would result in a substantial expansion of the department's labor relations services. When PERA became law in 1972, it was predicted that the department would become the equivalent of the Federal National Labor Relations Board in Alaska. This expansion of services did not materialize primarily because of the opt out provisions under Chapter 113, SLA, 1972. The passage of this legislation would repeal the opt out provisions and the department would become the labor relations agency for all political subdivisions of the state on a continuous basis.

The department has determined that as of January 1, 1983, there were an average of 14,000 public employees employed by political subdivisions of the state. This figure is exclusive of the employees of school districts (11,300). If this act

POSITION PAPER/Department of Labor

becomes law approximately 13,674 additional public employees will be eligible for collective bargaining. Breakdown of these figures on a regional basis indicates that the Anchorage area has 38% of the affected employees; Fairbanks 9%; Southeast Alaska 15%; the Gulf Coast, (Kenai Borough, Valdez, Kodiak, and Whittier) 10%; and the remaining rural areas of Southwest and Northwest Alaska, 28%.

Under this bill the Department of Labor will be responsible for the investigation of representation petitions, determination of appropriate units for collective bargaining purposes, conducting elections, conducting informal hearings, providing hearing officers and assistance for formal hearings under the Administrative Procedure Act, mediation of labor disputes, strike actions and mediation services subsequent to impasse during collective bargaining negotiations, arbitration tribunal for the resolution of formal grievances arising out of collective bargaining agreements between the public employer and the unions.

Inasmuch as the majority of all political subdivisions in the major population regions provide their own police and fire protection, strikes or the threat of strikes by this class of employees, requires that the agency initiate court action for injunctive relief or other appropriate remedies, when such action creates a threat to the health, safety and welfare of the public. This type of action involves complex and costly litigation.

The state employees of the University of Alaska have been traditionally represented by unions who limit their organizing activities to the public sector. This is definitely not the case when it comes to the organizing activities of political subdivisions. It has been the department's experience that the majority of the larger internationally affiliated unions, who generally focus their organizing efforts towards the private sector, will vigorously pursue organization of the political subdivisions. It can be predicted, with reasonable certainty, that all of the major trade unions in the State of Alaska will be actively involved in the organizing of this sizable group of employees in both the major population centers and rural areas of the state. Competition will be keen among these labor unions if this act becomes law.

The department supports the concept of collective bargaining for all public employees. However, the costs associated with this bill are significant. The department does not have the staff or financial resources to assume the expanded services inherent in SB 154, without the funds requested in the fiscal note.

This administration feels that labor relations activities are more effectively maintained at the local level. However, amendments to encourage or mandate political subdivisions to recognize their collective bargaining responsibilities for this group of public employees is recommended.

APPROVED:

Ann Robinson
Commissioner

3/10/55
Date

I. REQUEST

Bill/Resolution No.: Senate Bill 154
 Title: "... Repealing municipal exempt ..."
 Sponsor: Senator Fahrenkamp
 Requestor: The Labor and Commerce Com-
mitties

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program of Subprogram(s) Affected:
Labor Standards & Safety Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		261.3	277.0	293.6	311.2	329.9
200 TRAVEL		60.2	63.8	67.6	71.7	76.0
300 CONTRACTUAL		141.3	149.8	158.8	168.3	178.4
400 COMMODITIES		5.0	5.3	5.6	5.9	6.3
500 EQUIPMENT		11.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		479.3	495.9	525.6	557.1	590.6

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		479.3	495.9	525.6	557.1	590.6
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		7	7	7	7	7
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: Not Available

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Robert J. Bacolas, Sr.

Phone 465-4870

Division: Labor Standards and Safety

Date: March 9, 1983

Approved by Commissioner: Jim Robison

Date: March 9, 1983

Department: Labor

LEG:A:23

Distribution:

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Copy to Sponsor

Copy to Requestor (if different from Sponsor)

3/8/83

DETAIL BILL ANALYSIS FOR SENATE BILL 154

Under this bill the Department of Labor will act as the labor relations agency for all political subdivisions of the State except school districts and Rural Education Attendance Areas. The department will be responsible for investigation of representation petitions, determination of appropriate units for collective bargaining purposes, investigations and resolution of unfair labor practices complaints, conducting and monitoring elections, conducting hearings for representation and unfair labor practices, and mediation and conciliation services, initiating court action for injunctive relief and other appropriate remedies. The department anticipates a minimum of 30 petitions for representation of public employees of organized boroughs and first class cities as a result of this measure's passage.

Five Wage and Hour investigators will be required to conduct investigations, attend the elections, and hold informal hearings. Three of these investigators will be located in Anchorage to handle South Central Alaska, and one will be located in both Fairbanks and Juneau to handle the Northern and Southeastern portions of the State, respectively. A Clerk IV and Clerk Typist II located in Anchorage will be needed in order to provide the requisite support to the five investigators.

The bill will also require the department to contract for a Hearing Officer on 30 occasions (\$23,900), court reporting services including transcripts (\$13,000), plus printing (\$5,800), and legal costs (\$13,800). All other costs in Contractual Services are normal operating costs and include \$26,036 for indirect support and \$23,800 for rent. Additionally, \$7,320 has been included for the Hearing Officer and \$52,880 for the five Wage and Hour investigators' travel and per diem.

Assumptions:

30 hearings will be conducted in FY 1984
13,674 public employees will be eligible for collective bargaining
Effective date of July 1, 1983
Inflation rate of 6% per annum

The equipment cost of \$11,500 is a one-time item.

A:17

1.	POSITION TITLE Wage and Hour Investigator II				RANGE/STEP 18 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCAT'ON Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL	ADDITION	X	JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES*									
5.	Salary		35,592							
6.	Benefits		5,649							
7.	Supplemental Benefits		2,182							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES	01	46,303							
10.	Travel	02	12,880							
11.	Contractual	03	13,088							
12.	Commodities	04	500							
13.	Equipment	05	1,500							
14.	Other									
15.	TOTAL COST		74,271							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	100	General Funds 1004		74,271						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position will be responsible for the training, day to day supervision, and evaluation of the Anchorage, Juneau, and Fairbanks staff associated with Senate Bill 154. Delegates staff duties and assignments, control office expenditures, review procedures and case disposition of subordinates, provide interpretation and policy guidance as required. Coordinate and execute activities and policies of division administrative office. In addition the position will be required to attend elections, conduct investigations, and hold informal hearings. In so doing the incumbent will write findings of fact and conclusions of law and prepare draft decisions where appropriate. This position will also be responsible for personnel actions, evaluating performance and work product, leave scheduling and travel.

Extensive travel will be required in order for this position to perform these duties affectively; therefore \$12,880 has been allotted for this activity.

Contractual services includes \$4,688 for indirect support services, \$3,400 for rent, and \$5,000 for basic operating costs.

The position will require \$1,500 to purchase basic office equipment.

13 REQUEST FOR
NEW POSITION

AGENCY Labor
PROGRAM Public Protection
BRU Labor Standards & Safety
COMPONENT Wage and Hour

Page 1 of 7
Revised Date _____

FY 84

1.	POSITION TITLE Wage and Hour Investigator I			RANGE/STEP 16 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.	

3.	CONTINUATION LEVEL	ADDITION	Y
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	30,888	
6.	Benefits	4,902	
7.	Supplemental benefits	1,894	
	Fixed Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	40,564
10.	Travel	02	10,000
11.	Contractual	03	12,468
12.	Commodities	04	500
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		65,032

JUSTIFICATION

This position will be required to hold informal hearings, attend elections and conduct investigations, explain labor laws to employers and employees pertaining to collective bargaining.

Contractual services includes \$4,068 for indirect support services and \$3,400 for rent, and \$5,000 for basic operating cost.

The position will require \$1,500 to purchase basic office equipment.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	65,032
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
		Other	

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4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

FY 84

Page 2 of 7

Revised Date _____

1.	POSITION TITLE Wage and Hour Investigator I			RANGE/STEP 16 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.	

3.	CONTINUATION LEVEL	ADDITION	X
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	30,888	
6.	Benefits	4,902	
7.	Supplemental Benefits	1,894	
	Funded Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	40,564
10.	Travel	02	10,000
11.	Contractual	03	12,468
12.	Commodities	04	500
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		65,032

JUSTIFICATION

This position will be required to hold informal hearings, attend elections and conduct investigations, explain labor laws to employers and employees pertaining to collective bargaining.

Contractual services includes \$4,068 for indirect support services and \$3,400 for rent, and \$5,000 for basic operating cost.

The position will require \$1,500 to purchase basic office equipment.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	65,032
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
		Other	

FOR B&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

Page 3 of 7

Revised Date _____

FY 84

1.	POSITION TITLE Wage and Hour Investigator I			RANGE/STEP 16 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 99	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	30,888							
6.	Benefits	4,902							
7.	Supplemental Benefits	1,894							
8.	Fixed Benefits	2,880							
9.	TOTAL PERSONAL SERVICES	01	40,564						
10.	Travel	02	10,000						
11.	Contractual	03	12,458						
12.	Commodities	04	500						
13.	Equipment	05	1,500						
14.	Other								
15.	TOTAL COST		65,032						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts	1002						
17.		G.F. Match	1003						
18.	100	General Funds	1004	65,032					
19.		I-A Receipts	1005						
20.		Program Receipts	1028						
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

This position will be required to hold informal hearings, attend elections and conduct investigations, explain labor laws to employers and employees pertaining to collective bargaining.

Contractual services includes \$4,068 for indirect support services and \$3,400 for rent, and \$5,000 for basic operating cost.

The position will require \$1,500 to purchase basic office equipment.

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

FY 84

Page 4 of 7

Revised Date _____

1.	POSITION TITLE Wage and Hour Investigator I				RANGE/STEP 16 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT 99	LEG.		

3.	CONTINUATION LEVEL	ADDITION	x
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES*		
5.	Salary	30,888	
6.	Benefits	4,902	
7.	Supplemental Benefits	804	
	Fixed Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	40,564
10.	Travel	02	10,000
11.	Contractual	03	12,468
12.	Commodities	04	500
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		65,032

JUSTIFICATION

This position will be required to hold informal hearings, attend elections and conduct investigations, explain labor laws to employers and employees pertaining to collective bargaining.

Contractual services includes \$4,068 for indirect support services and \$3,400 for rent, and \$5,000 for basic operating cost.

The position will require \$1,500 to purchase basic office equipment.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	65,032
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
		Other	

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13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

FY 84

Page 5 of 7

Revised Date _____

1.	POSITION TITLE Clerk Typist II				RANGE/STEP 7 A	BARG. UNIT GGU	FORM 12 PACE/LINE	GOV.	APPRD.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER --	BRU PRIORITY --	LOCATION Anchorage	ELECTION DISTRICT 99	LEC.		
3.	CONTINUATION LEVEL	ADDITION	X							
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary		18,132							
6.	Benefits		2,878							
7.	Supplemental Benefits		1,112							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES		01	25,002						
10.	Travel		02							
11.	Contractual		03	10,788						
12.	Commodities		04	1,500						
13.	Equipment		05	2,500						
14.	Other									
15.	TOTAL COST			39,790						
JUSTIFICATION										
<p>This position will lend clerical support to the Wage and Hour Investigators.</p> <p>Type correspondence for signature of composer including preparation of technical or legal documents, complex material, i.e.: regulations, legislation, form layouts and masters, transcribe from dictation, tape recording or draft. Compile Wage and Hour activity data, type statistical and/or investigative documentary reports.</p> <p>Contractual services includes \$2,388 for indirect support services, \$3,400 in rent and \$5,000 for other normal operating costs.</p> <p>The equipment line item includes \$2,500 to purchase basic office equipment for this position.</p>										
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	100	General Funds 1004		39,790						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

Page 6 of 7

Revised Date _____

FY 84

1.	POSITION TITLE Clerk IV				RANGE/STEP 9 A	BARG. UNIT GGU	FORM 12	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER --	BRU PRIORITY ---	LOCATION Anchorage	ELECTION DISTRICT 99		LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT							
	1	2	3								
	PERSONAL SERVICES*										
5.	Salary		20,412								
6.	Benefits		3,240								
7.	Supplemental Benefits		1,252								
8.	Fixed Benefits		2,880								
9.	TOTAL PERSONAL SERVICES	01	27,784								
10.	Travel	02									
11.	Contractual	03	11,088								
12.	Commodities	04	1,000								
13.	Equipment	05	1,500								
14.	Other										
15.	TOTAL COST		41,372								
	RECEIPT CODE	FUNDING SOURCE									
16.		Federal Receipts	1002								
17.		G.F. Match	1003								
18.	100	General Funds	1004	41,372							
19.		I-A Receipts	1005								
20.		Program Receipts	1028								
21.		Other									
FOR B&M USE ONLY											
4A KEY NUMBER _____											

This position will lend clerical support to the Wage and Hour investigators.

The position will directly assist complainant in preparing claims and explains compliance procedures; prepares legal documents and prepares case files for transmittal to the Department of Law.

Contractual services includes \$2,688 for indirect services \$3,400 in rent, and \$5,000 for other normal operating costs.

The equipment line item consists of \$1,500 to purchase desk, chair, file cabinet, etc.

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 84

Page 7 of 7

Revised Date _____

23.40.070 et seq., to provide guidelines and procedures for public employee collective bargaining. The Public Employment Relations Act does nothing to undercut the authorization of collective bargaining under this section. Rather, it gives it additional content. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

This section was comprehensive when it was enacted. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

But it was further defined by the Public Employment Relations Act, AS 23.40.070, et seq. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

The Public Employment Relations Act, AS 23.40.070, et seq., contains far more detailed provisions than this section. *Hafling v. Inlandboatmen's Union*, Sup.

Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Public Employment Relations Act, AS 23.40.070 et seq., applies to employees of the state division of marine transportation. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

If there is no implied exemption for ferry personnel under the Public Employment Relations Act, AS 23.40.070, et seq., it cannot be said that the two acts do not cover the same people. This section is a subset of the broader Public Employment Relations Act coverage and was likely left intact deliberately to designate the commissioner of public works as the state's representative in bargaining with the ferry unions. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Collateral references. — 48A Am. Jur. 2d, Labor and Labor Relations, §§ 1787-1999.

51 C.J.S., Labor Relations, §§ 148-216.
56 C.J.S., Master and Servant, §§ 28(20)-28(42).

Secs. 23.40.045 — 23.40.060. Records; local labor organizations; interference in chartering prohibited; civil enforcement; exemptions; penalties.

Repealed by § 55 ch 69 SLA 1970.

Editor's notes. — The repealed sections derived from § 1, ch. 8, SLA 1967; §§ 1-3, ch. 231, SLA 1968.

Article 2. Public Employment Relations Act.

Section

- 70. Declaration of policy
- 80. Rights of public employees
- 90. Collective bargaining unit
- 100. Representatives and elections
- 110. Unfair labor practices
- 120. Investigation and conciliation of complaints
- 130. Complaint and accusation
- 140. Orders and decisions
- 150. Enforcement by injunction
- 160. Power to investigate and compel testimony
- 170. Regulations

Section

- 180. Penalty for violation of order or decision
- 190. Mediation
- 200. Classes of public employees; arbitration
- 210. Agreement
- 212. Agreement with the Board of Regents
- 215. Funding
- 220. Labor or employee organization dues and employee benefits, deduction and authorization
- 225. Exemption from Public Employment Relations Act

Section

- 230. Assistance by Department of Labor
- 240. Effect on certain units, representatives and agreements
- 245. Postsecondary student involvement in collective bargaining

Section

- 250. Definitions
- 260. Short title

Editor's notes. — Section 4, ch. 113, SLA 1972, provides: "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."

Cross references. — As to nonapplicability of this article to noncertificated employees of regional educational attendance areas, see note to AS 23.40.250.

NOTES TO DECISIONS

Right of public employees in Alaska to bargain collectively was created by this article. Alaska Pub. Employees Ass'n v. Municipality of Anchorage, Sup. Ct. Op. No. 1328 (File No. 3045), 555 P.2d 552 (1976).

This article confers upon public employees the right to organize and bargain collectively with their employers and requires public employers to recognize collective bargaining units designated pursuant to this article. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

This article allows political subdivisions of the state to reject its provisions for conduct of labor relations and to substitute their own provisions. Alaska Pub. Employees Ass'n v. Municipality of Anchorage, Sup. Ct. Op. No. 1328 (File No. 3045), 555 P.2d 552 (1976).

Applicability of article is the rule. — Under the present statute, applicability of this article is the rule, exemption the exception. State v. City of Petersburg, Sup. Ct. Op. No. 1175 (File No. 2341), 538 P.2d 263 (1975).

This article is expressly made applicable to home-rule municipalities, and thus municipalities are impliedly prohibited from refusing to negotiate with organizations selected by employees unless the exemption was timely enacted. State v. City of Petersburg, Sup. Ct. Op. No. 1175 (File No. 2341), 538 P.2d 263 (1975).

Applying a liberal construction to the powers of local government cannot override the express declaration of

policy made a part of this article when coupled with considerations of the impact of the repeal of AS 23.40.010 and the different language used in the 1972 exemption provision, § 4, ch. 113, SLA 1972. State v. City of Petersburg, Sup. Ct. Op. No. 1175 (File No. 2341), 538 P.2d 263 (1975).

Article applicable unless state political subdivisions reject it. — The legislature provided for this article to be applicable to all political subdivisions of the state unless they rejected it rather than making the article inapplicable unless affirmative steps are taken by these same subdivisions to adopt the act (see § 4, ch. 113, SLA 1972). State v. City of Petersburg, Sup. Ct. Op. No. 1175 (File No. 2341), 538 P.2d 263 (1975).

Section 4, ch. 113, SLA 1972, not temporary. — Had the legislature wanted § 4, ch. 113, SLA 1972, to be of temporary duration, it would have so indicated. Anchorage Mun. Employees Ass'n v. Municipality of Anchorage, Sup. Ct. Op. No. 2204 (File No. 4562), 618 P.2d 575 (1980).

When article may be rejected. — This article may be rejected when all evidence indicates that municipal governments exempted themselves solely for the purpose of retaining local control over their labor relations, and with the clear intent of continuing collective bargaining rather than to interfere with established employee rights. Anchorage Mun. Employees Ass'n v. Municipality of Anchorage, Sup. Ct. Op. No. 2204 (File No. 4562), 618 P.2d 575 (1980).

Rejection of this article in order to gain an undue advantage in a labor dispute or

Sec. 23.40.070. Declaration of policy. The legislature finds that joint decision-making is the modern way of administering government. If public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators. Accordingly, government is made more effective. The legislature further finds that the enactment of positive legislation establishing guidelines for public employment relations is the best way to harness and direct the energies of public employees eager to have a voice in determining their conditions of work, to provide a rational method for dealing with disputes and work stoppages, to strengthen the merit principle where civil service is in effect and to maintain a favorable political and social environment. The legislature 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. These policies are to be effectuated by

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

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

(3) maintaining merit-system principles among public employees. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

Opinions of attorney general. — Paragraph (2) of this section and A's 23.40.250(7), standing alone, clearly would make both group life and health insurance benefits and retirement benefits subject to collective bargaining since they both are "fringe benefits." January 23, 1978, Op. Att'y Gen.

Because health insurance deals with the economic interests of employees and does not deal with fundamental policy; because AS 39.30.090, the group insurance statute, authorizes the Department of Administration to obtain "a policy or policies"; and because AS 39.30.090 does not specify what levels of coverage or benefits must be included in the policy (or policies)

obtained, the issue of group life and health insurance benefits is negotiable under the Public Employment Relations Act (AS 23.40.070 — 23.40.260). January 23, 1978, Op. Att'y Gen.

Given AS 39.35.120(b) and AS 39.35.170, which make inclusion in the public employees retirement system (AS 39.35.010 — 39.35.690) a condition of employment for state employees and contributions to it mandatory, the conclusion is that the legislature intended the statutory provisions of the public employees retirement system to apply to all state employees, and benefits under the public employees retirement system may not be negotiated under the Public Employment Retirement Act (AS 23.40.070 — 23.40.260). January 23, 1978, Op. Att'y Gen.

NOTES TO DECISIONS

Applied in State v. City of Petersburg, Sup. Ct. Op. No. 1175 (File No. 2341), 538 P.2d 263 (1975); Hafling v. Inlandboatmen's Union, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978);

Anchorage Mun. Employees Ass'n v. Municipality of Anchorage, Sup. Ct. Op. No. 2204 (File No. 4562), 618 P.2d 575 (1980).

Collateral references. — 48A Am. Jur. 2d, Labor and Labor Relations, §§ 1764-1775. 51 C.J.S., Labor Relations, §§ 20-22, 33.

Bargainable or negotiable issues in state public employment labor relations. 84 ALR3d 242.

Sec. 23.40.080. Rights of public employees. Public employees may self-organize and form, join or assist an organization to bargain collectively through representatives of their own choosing, and engage in concerted activities for the purpose of collective bargaining, or other mutual aid or protection. (§ 2 ch 113 SLA 1972)

Cross references. — For provisions relating to collective bargaining for teachers, see AS 14.20.550 — 14.20.610. As to nonapplicability of this article to

noncertificated employees of regional educational attendance areas, see note to AS 23.40.250.

NOTES TO DECISIONS

Applied in Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op.

No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Sec. 23.40.090. Collective bargaining unit. The labor relations agency shall decide in each case, in order to assure to employees the fullest freedom in exercising the rights guaranteed by AS 23.40.070 — 23.40.260, the unit appropriate for the purposes of collective bargaining, based on such factors as community of interest, wages, hours and other working conditions of the employees involved, the history of collective bargaining, and the desires of the employees. Bargaining units shall be as large as is reasonable, and unnecessary fragmenting shall be avoided. (§ 2 ch 113 SLA 1972)

Cross references. — For provisions relating to collective bargaining for teachers, see AS 14.20.550 — 14.20.610.

Sec. 23.40.100. Representatives and elections. (a) The labor relations agency shall investigate a petition if it is submitted in a manner prescribed by the labor relations agency and is

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

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

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

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

(b) If the labor relations agency has reasonable cause to believe that a question of representation exists, it shall provide for an appropriate hearing upon due notice. If the labor relations agency finds that there is a question of representation, it shall direct an election by secret ballot to determine whether or by which organization the employees desire to be represented and shall certify the results of the election. Nothing in this section prohibits the waiving of hearings by stipulation for the purpose of a consent election in conformity with the regulations of the labor relations agency or an election in a bargaining unit agreed upon by the parties. The labor relations agency shall determine who is eligible to vote in an election and shall establish rules governing the election. In an election in which none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, the ballot providing for selection between the two choices receiving the largest and the second largest number of valid votes cast in the election. If an organization receives the majority of the votes cast in the election it shall be certified by the labor relations agency as exclusive representative of all the employees in the bargaining unit.

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

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

(e) No election may be directed by the labor relations agency in a bargaining unit in which there is in force a valid collective bargaining agreement, except during a 90-day period preceding the expiration date. However, no collective bargaining agreement may bar an election upon petition of persons in the bargaining unit but not parties to the agreement if more than three years have elapsed since the execution of the agreement or the last timely renewal, whichever was later. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Applied Union, Sup 3438), 585 Quoted Sup. Ct. Op

Sec. 23.40.110. Unfair labor practices. (a) A public employer or his agent may not

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(1) interfere, restrain or coerce an employee in the exercise of his rights guaranteed in AS 23.40.080;

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

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

(4) discharge or discriminate against an employee because he has signed or filed an affidavit, petition or complaint or given testimony under AS 23.40.070 — AS 23.40.260;

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

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

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

Applied Union, Sup 3438), 585

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

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

(1) restrain or coerce

(A) an employee in the exercise of the rights guaranteed in AS 23.40.080, or

(B) a public employer in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances;

(2) refuse to bargain collectively in good faith with a public employer, if it has been designated in accordance with the provisions of AS 23.40.070 — 23.40.250 as the exclusive representative of employees in an appropriate unit. (§ 2 ch 113 SLA 1972)

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Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

Applied Union, Sup 3438), 585

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).
Quoted in *State v. City of Petersburg*, Sup. Ct. Op. No. 1175 (File No. 2341), 538 P.2d 263 (1975).
Cited in *Hicklin v. Orbeck*, Sup. Ct. Op. No. 1435 (File No. 3025), 565 P.2d 159 (1977).

Sec. 23.40.120. Investigation and conciliation of complaints. If a verified written complaint by or for a person claiming to be aggrieved by a practice prohibited by AS 23.40.110, or a written accusation that a person subject to AS 23.40.070 — 23.40.260 has engaged in a prohibited practice, is filed with the labor relations agency, it shall investigate the complaint or accusation. If it determines after the preliminary investigation that probable cause exists in support of the complaint or accusation, it shall try to eliminate the prohibited practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during this endeavor may be used as evidence in a subsequent proceeding. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 23.40.130. Complaint and accusation. If the labor relations agency fails to eliminate the prohibited practice by conciliation and to obtain voluntary compliance with AS 23.40.070 — 23.40.260, or, before it attempts conciliation, it may serve a copy of the complaint or accusation upon the respondent. The complaint or accusation and the subsequent procedures shall be handled in accordance with the administrative adjudication portion of the Administrative Procedure Act (AS 44.62). (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 23.40.140. Orders and decisions. If the labor relations agency finds that a person named in the written complaint or accusation has engaged in a prohibited practice, the labor relations agency shall issue and serve on the person an order or decision requiring him to cease and desist from the prohibited practice and to take affirmative action which will carry out the provisions of AS 23.40.070 — 23.40.260. If the labor relations agency finds that a person named in the complaint or accusation has not engaged or is not engaging in a prohibited practice, the labor relations agency shall state its findings of fact and issue an order dismissing the complaint or accusation. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

NOTES TO DECISIONS

Applied in *Hastling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 23.40.150. Enforcement by injunction. The labor relations agency may apply to the superior court in the judicial district in which the prohibited practice occurred for an order enjoining the prohibited acts specified in the order or decision of the labor relations agency. Upon a showing by the labor relations agency that the person has engaged or is about to engage in the practice, an injunction, restraining order, or other order which is appropriate may be granted by the court and shall be without bond. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

NOTES TO DECISIONS

Applied in *Hastling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 23.40.160. Power to investigate and compel testimony. (a) For the purpose of the investigations, proceedings, or hearings which the labor relations agency considers necessary to carry out the provisions of AS 23.40.070 — 23.40.260, the labor relations agency may issue subpoenas requiring the attendance and testimony of witnesses and the production of relevant evidence.

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

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

(d) If a person refuses to obey a subpoena issued under AS 23.40.070 — 23.40.260, the superior court in the district in which the person resides or is found may, upon application by the labor relations agency, issue an order requiring him to comply with the subpoena. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 23.40.170. Regulations. The labor relations agency may adopt regulations under the Administrative Procedure Act (AS 44.62) to carry out the provisions of AS 23.40.070 — 23.40.260. (§ 2 ch 113 SLA 1972)

Sec. 23.40.180. Penalty for violation of order or decision. A person who violates a provision of an order or decision of the labor relations agency is guilty of a misdemeanor and is punishable by a fine of not more than \$500. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis. As to sentences for misdemeanors, see AS 12.55.135.

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 23.40.190. Mediation. If, after a reasonable period of negotiation over the terms of a collective bargaining agreement, a deadlock exists between a public employer and an organization, the labor relations agency may appoint a competent, impartial, disinterested person to act as mediator in any dispute either on its own initiative or on the request of one of the parties to the dispute. The parties may also select a mediator by agreement or mutual consent. It is the function of the mediator to bring the parties together voluntarily under such favorable auspices as will tend to effectuate settlement of the dispute, but neither the mediator nor the labor relations agency has any power of compulsion in mediation proceedings. (§ 2 ch 113 SLA 1972)

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Sec. 23.
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Sec. 23.40.200. Classes of public employees; arbitration. (a) For purposes of this section, public employees are employed to perform services in one of the three following classes:

(1) those services which may not be given up for even the shortest period of time;

(2) those services which may be interrupted for a limited period but not for an indefinite period of time; and

(3) those services in which work stoppages may be sustained for extended periods without serious effects on the public.

(b) The class in (a)(1) of this section is composed of police and fire protection employees, jail, prison and other correctional institution employees, and hospital employees. Employees in this class may not engage in strikes. Upon a showing by a public employer or the labor relations agency that employees in this class are engaging or about to engage in a strike, an injunction, restraining order, or other order which may be appropriate shall be granted by the superior court in the judicial district in which the strike is occurring or is about to occur. If an impasse or deadlock is reached in collective bargaining between the public employer and employees in this class, and mediation has been utilized without resolving the deadlock, the parties shall submit to arbitration to be carried out under AS 09.43.030.

(c) The class in (a)(2) of this section is composed of public utility, snow removal, sanitation and public school and other educational institution employees. Employees in this class may engage in a strike after mediation, subject to the voting requirement of (d) of this section, for a limited time. The limit is determined by the interests of the health, safety or welfare of the public. The public employer or the labor relations agency may apply to the superior court in the judicial district in which the strike is occurring for an order enjoining the strike. A strike may not be enjoined unless it can be shown that it has begun to threaten the health, safety or welfare of the public. A court, in deciding whether or not to enjoin the strike, shall consider the total equities in the particular class. "Total equities" includes not only the impact of a strike on the public but also the extent to which employee organizations and public employers have met their statutory obligations. If an impasse or deadlock still exists after the issuance of an injunction, the parties shall submit to arbitration to be carried out under AS 09.43.030.

(d) The class in (a)(3) of this section includes all other public employees who are not included in the classes in (a)(1) or (a)(2) of this section. Employees in this class may engage in a strike if a majority of the employees in a collective bargaining unit vote by secret ballot to do so.

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

(f) The parties to a collective bargaining agreement may provide in the agreement a contract for arbitration to be conducted solely according to the Uniform Arbitration Act (AS 09.43) if the Act is incorporated into the agreement or contract by reference. (§ 2 ch 113 SLA 1972)

Cross references. -- As to applicability of this article to ferry personnel, see note following article 2 analysis.

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 23.40.210. Agreement. Upon the completion of negotiations between an organization and a public employer, if a settlement is reached, the employer shall reduce it to writing in the form of an agreement. The agreement may include a term for which it will remain in effect, not to exceed three years. The agreement shall include a pay plan designed to provide for a cost-of-living differential between the salaries paid employees residing in the state and employees residing outside the state. The plan shall provide that the salaries paid, as of August 26, 1977, to employees residing outside the state shall remain unchanged until the difference between those salaries and the salaries paid employees residing in the state reflects the difference between the cost of living in Alaska and living in Seattle, Washington. The agreement shall include a grievance procedure which shall have binding arbitration as its final step. Either party to the agreement has a right of action to enforce the agreement by petition to the labor relations agency. (§ 2 ch 113 SLA 1972; am § 1 ch 62 SLA 1977)

Cross references. -- As to applicability of this article to ferry personnel, see note following article 2 analysis.

Effect of amendments. -- The 1977 amendment added the present third and fourth sentences.

Editor's notes. -- Section 2, ch. 62, SLA 1977, provides: "This Act shall be implemented in the collective bargaining

agreements which replace the collective bargaining agreements in effect or being negotiated as of the effective date of this Act."

Legislative history reports. -- For report on ch. 62, SLA 1977 (HB 203), see 1977 House Journal, p. 461; 1977 Senate Journal Supplement No. 38.

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 23.40.212. Agreement with the Board of Regents. (a) The Board of Regents of the University of Alaska may delegate to the

Department of Administration its authority under AS 23.40.070 — 23.40.260 to negotiate with an organization for an agreement.

(b) The Department of Administration shall participate in the negotiations between the Board of Regents and an organization. An agreement between the board and an organization requires the approval of the department. (§ 1 ch 148 SLA 1978)

Sec. 23.40.215. Funding. The monetary terms of any agreement entered into under the Public Employment Relations Act are subject to funding through legislative appropriation. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

Opinions of attorney general. — To the extent the cost of negotiated group life and health insurance coverage exceeds

what the State would have paid under its employer-sponsored plan, the negotiated coverage is subject to legislative approval under this section. January 23, 1978, Op. Att'y Gen.

NOTES TO DECISIONS

Applied in *Hatling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 535 P.2d 870 (1978).

Cited in *Warwick v. State ex rel. Chance*, Sup. Ct. Op. No. 1252 (File No. 2712), 548 P.2d 384 (1976).

Sec. 23.40.220. Labor or employee organization dues and employee benefits, deduction and authorization. Upon written authorization of a public employee within a bargaining unit, the public employer shall deduct from the payroll of the public employee the monthly amount of dues, fees and other employee benefits as certified by the secretary of the exclusive bargaining representative and shall deliver it to the chief fiscal officer of the exclusive bargaining representative. (§ 2 ch 113 SLA 1972)

Sec. 23.40.225. Exemption from Public Employment Relations Act. Notwithstanding the provisions of AS 23.40.220, a collective bargaining settlement reached, or agreement entered into, under AS 23.40.210 that incorporates union security provisions, including but not limited to a union shop or agency shop provision or agreement, shall safeguard the rights of nonassociation of employees having bona fide religious convictions based on tenets or teachings of a church or religious body of which an employee is a member. Upon submission of proper proof of religious conviction to the labor relations agency, the agency shall declare the employee exempt from becoming a member of a labor organization or employee association. The employee shall pay an amount of money equivalent to regular union or association dues, initiation fees, and assessments to the union or association. Nonpayment of this money subjects the employee to the same penalty as if it were nonpayment of dues. The receiving union or association shall contribute an equivalent amount of money to a charity of its

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choice not affiliated with a religious, labor or employee organization. The union or association shall submit proof of contribution to the labor relations agency. (§ 1 ch 85 SLA 1976)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis. Editor's notes. — Section 2, ch. 85, SLA 1976 provides: "If any portion of AS 23.40.225 is declared unconstitutional or void by a court of competent jurisdiction, then that entire section is void."

NOTES TO DECISIONS

Applied in *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 23.40.230. Assistance by Department of Labor. When state employees are involved, the Department of Labor shall, if requested by the personnel board, and if there is no objection by the organization involved, assist the personnel board on matters such as, but not limited to, conducting elections and investigating unfair labor practices. (§ 2 ch 113 SLA 1972)

Sec. 23.40.240. Effect on certain units, representatives and agreements. Nothing in this chapter terminates or modifies a collective bargaining unit, recognition of exclusive bargaining representative, or collective bargaining agreement if the unit, recognition, or agreement is in effect on September 5, 1972. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis. As to nonapplicability of this article to noncertificated employees of regional educational attendance areas, see note to AS 23.40.250.

NOTES TO DECISIONS

Applied in *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978); *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3363), 591 P.2d 1292 (1979).

Sec. 23.40.245. Postsecondary student involvement in collective bargaining. (a) When a bargaining unit includes members of the faculty or other employees of a public institution of postsecondary education, the public employer and the representative of the bargaining unit shall permit student representatives of that institution to

(1) attend and observe all meetings between the public employer and the representative of the bargaining unit which are involved with collective bargaining;

(2) have access to all documents pertaining to collective bargaining exchanged by the employer and the representative of the bargaining unit, including copies of transcripts of the meetings.

(b) Student representatives may not disclose information concerning the substance of collective bargaining obtained in the course of their activities under (a) of this section, unless that information is released by the employer or the representative of the bargaining unit.

(c) For the purpose of this section, the students of the institution involved in negotiations shall select their representatives from the institution directly involved in negotiations.

(d) When the institutions are negotiating with bargaining units representing more than one major geographic area of the state, the student representatives shall be from those areas. No more than three student representatives may attend meetings at any time. (§ 1 ch 148 SLA 1978)

Sec. 23.40.250. Definitions. In AS 23.40.070 — 23.40.260, unless the context otherwise requires,

(1) "collective bargaining" means the performance of the mutual obligation of the public employer or his designated representatives and the representative of the employees to meet at reasonable times, including meetings in advance of the budget making process and negotiate in good faith with respect to wages, hours and other terms and conditions of employment, or the negotiation of an agreement, or negotiation of a question arising under an agreement and the execution of a written contract incorporating 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 AS 23.40.070 — 23.40.260;

(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;

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(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. (§ 2 ch 113 SLA 1972)

Cross references. — As to applicability of this article to ferry personnel, see note following article 2 analysis.

Opinions of attorney general. — AS 23.40.070(2) and paragraph (7) of this section, standing alone, clearly would make both group life and health insurance benefits and retirement benefits subject to collective bargaining since they both are "fringe benefits." January 23, 1978, Op. Att'y Gen.

Because health insurance deals with the economic interests of employees and does not deal with fundamental policy; because AS 39.30.090, the group insurance statute, authorizes the Department of Administration to obtain "a policy or policies"; and because AS 39.30.090 does not specify what levels of coverage or benefits must be included in the policy (or policies)

obtained, the issue of group life and health insurance benefits is negotiable under the Public Employment Relations Act (AS 23.40.070 — 23.40.260). January 23, 1978, Op. Att'y Gen.

Given AS 39.35.120(h) and AS 39.35.170, which make inclusion in the public employees retirement system (AS 39.35.010 — 39.35.690) a condition of employment for state employees and contributions to it mandatory, the conclusion is that the legislature intended the statutory provisions of the public employees retirement system to apply to all state employees, and benefits under the public employees retirement system may not be negotiated under the Public Employment Retirement Act (AS 23.40.070 — 23.40.260). January 23, 1978, Op. Att'y Gen.

NOTES TO DECISIONS

Ferry personnel are public employees of a public employer and are not included within any of the itemized exceptions of paragraph (5). *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Since paragraph (3) of this section defines "labor relations agency," which supervises and enforces this article, as the state personnel board for state employees and the Department of Labor with regard to all other public employees, the state personnel board would be the applicable regulatory agency with regard to ferry personnel. Therefore, there is no inconsistency in the ferry crew exemption from the state personnel system and its inclusion with this article. *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Noncertificated school employees are not among those within the ambit of this article. *Kenai Peninsula Borough School Dist. v. Kenai Peninsula Borough School Dist. Classified Ass'n*, Sup. Ct. Op. No. 1802 (File No. 3800), 590 P.2d 437 (1979).

Nor are noncertificated employees of regional educational attendance

areas. — This article does not apply to the noncertificated employees of the regional educational attendance areas. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Since such attendance areas appear to be school districts. — Regional educational attendance areas appear to be school districts within the meaning of paragraph (5), defining "public employees" for the purposes of this article. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Thus, such attendance areas have no statutory duty to bargain with noncertificated employees. — This article exempts noncertificated employees of the regional educational attendance areas from its coverage. The regional educational attendance areas therefore have no statutory duty to bargain with a bargaining representative of the noncertificated employees. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

The legislature did not intend to bind the regional educational attendance areas to the employment contracts of their predecessor, the Alaska State Operated School System. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Although the Alaska State Operated School System, the predecessor to the regional educational attendance areas, was a state agency subject to this article and not a "school district" whose noncertificated employees are exempt under paragraph (5), and therefore did not have a "right" to refuse to bargain which it could waive. Even if the Alaska State Operated School System had waived its right to claim exemption under this article, it does not follow that the regional educational attendance areas also have waived their right to assert the statutory exemption, since the regional educational attendance areas are not simply successors

to the Alaska State Operated School System but are independent entities which have been given broad powers to run their individual school districts as they see fit. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Jurisdiction to determine applicability of collective bargaining agreement. — Because the noncertificated employees of school districts are not employees of the state directly or public employees under this article neither the state personnel board nor the Department of Labor has jurisdiction to determine the applicability of a collective bargaining agreement to the regional educational attendance areas. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Sec. 23.40.260. Short title. AS 23.40.070 — 23.40.260 may be cited as the Public Employment Relations Act. (§ 2 ch 113 SLA 1972)

Chapter 45. General Provisions.

Section

10. Definitions

Sec. 23.45.010. Definitions. In this title

- (1) "commissioner" means the commissioner of labor;
- (2) "department" means the Department of Labor;
- (3) "wages" means, except for the purposes of construing AS 23.20 and AS 23.30
 - (A) the basic hourly rate of pay; and
 - (B) all other compensation to an employee for services performed, including revocable and irrevocable contributions made by an employer to a trustee or third party for the benefit of the employee and contributions which may be reasonably anticipated in providing benefits to employees under an enforceable agreement to provide medical care, compensation for death or injury, or other fringe benefits. (am § 1 ch 115 SLA 1966)

Bill No. Senate Bill 154

Date March 10, 1983

Title "An Act repealing the municipal exemption option to the public employment relations act."

Contact: Judy Knight
465-2700
Bob Bacolas
465-4870

This legislation would repeal the opt out provision of the public employment relations act (PERA) which currently allows political subdivisions, by local ordinance or resolution, to reject having PERA apply to their public employees. This legislation would apply to all political subdivisions of the state, including without limitation, towns, cities, boroughs, districts, Board of Regents, public or quasi-public corporations, housing authority or other authority established by law, or persons designated by the public employer to act in its interest in dealing with public employees.

The department has functioned as the labor relations agency for all political subdivisions of the state since the inception of the public employment relations act (PERA) of 1972. This responsibility involves political subdivisions who had not elected to opt out of PERA as provided for under Chapter 113, SLA, 1972, and have subsequently had its employees organized by a collective bargaining representative.

The majority of the political subdivisions in the state opted out of PERA in a timely fashion. The department has only had eight political subdivisions covering 426 public employees to administer on a regular basis. Those are: Ketchikan Borough, Petersburg Electrical Utility, City of Seward, Cordova Electrical Utility, City of Bethel, City of Unalaska, Fairbanks North Star Borough, and the City of Nome. Occasionally the department has had to conduct elections involving employers who had not opted out of PERA in a timely fashion, prior to its employees organizing activities. However, the unions were unsuccessful in those cases and the employer then opted out of PERA subsequent to the election.

The department currently provides service to public employer/employees on a day to day basis with regards to interpretation of PERA and the scope of its application. These activities have routinely required the services of one-half of a Wage and Hour Investigator position. However, this activity must be supplemented during the election and hearing processes.

This legislation would result in a substantial expansion of the department's labor relations services. When PERA became law in 1972, it was predicted that the department would become the equivalent of the Federal National Labor Relations Board in Alaska. This expansion of services did not materialize primarily because of the opt out provisions under Chapter 113, SLA, 1972. The passage of this legislation would repeal the opt out provisions and the department would become the labor relations agency for all political subdivisions of the state on a continuous basis.

The department has determined that as of January 1, 1983, there were an average of 14,000 public employees employed by political subdivisions of the state. This figure is exclusive of the employees of school districts (11,300). If this act

POSITION PAPER/Department of Labor

becomes law approximately 13,674 additional public employees will be eligible for collective bargaining. Breakdown of these figures on a regional basis indicates that the Anchorage area has 38% of the affected employees; Fairbanks 9%; Southeast Alaska 15%; the Gulf Coast, (Kenai Borough, Valdez, Kodiak, and Whittier) 10%; and the remaining rural areas of Southwest and Northwest Alaska, 28%.

Under this bill the Department of Labor will be responsible for the investigation of representation petitions, determination of appropriate units for collective bargaining purposes, conducting elections, conducting informal hearings, providing hearing officers and assistance for formal hearings under the Administrative Procedure Act, mediation of labor disputes, strike actions and mediation services subsequent to impasse during collective bargaining negotiations, arbitration tribunal for the resolution of formal grievances arising out of collective bargaining agreements between the public employer and the unions.


Inasmuch as the majority of all political subdivisions in the major population regions provide their own police and fire protection, strikes or the threat of strikes by this class of employees, requires that the agency initiate court action for injunctive relief or other appropriate remedies, when such action creates a threat to the health, safety and welfare of the public. This type of action involves complex and costly litigation.

The state employees of the University of Alaska have been traditionally represented by unions who limit their organizing activities to the public sector. This is definitely not the case when it comes to the organizing activities of political subdivisions. It has been the department's experience that the majority of the larger internationally affiliated unions, who generally focus their organizing efforts towards the private sector, will vigorously pursue organization of the political subdivisions. It can be predicted, with reasonable certainty, that all of the major trade unions in the State of Alaska will be actively involved in the organizing of this sizable group of employees in both the major population centers and rural areas of the state. Competition will be keen among these labor unions if this act becomes law.

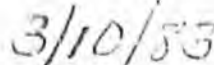
The department supports the concept of collective bargaining for all public employees. However, the costs associated with this bill are significant. The department does not have the staff or financial resources to assume the expanded services inherent in SB 154, without the funds requested in the fiscal note.

This administration feels that labor relations activities are more effectively maintained at the local level. However, amendments to encourage or mandate political subdivisions to recognize their collective bargaining responsibilities for this group of public employees is recommended.

APPROVED:



Commissioner



Date

STATE OF ALASKA
FISCAL NOTE

Revision Date Original, 1983

I. REQUEST

Bill/Resolution No.: Senate Bill 154
 Title: "... Repealing municipal exempt ..."
 Sponsor: Senator Fahrenkamp
 Requestor: The Labor and Commerce Com-
mitties

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program of Subprogram(s) Affected:
Labor Standards & Safety Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		261.3	277.0	293.6	311.2	323.9
200 TRAVEL		60.2	63.8	67.6	71.7	76.0
300 CONTRACTUAL		141.3	149.8	158.8	168.3	178.4
400 COMMODITIES		5.0	5.3	5.5	5.9	6.3
500 EQUIPMENT		11.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		479.3	495.9	525.6	557.1	590.6
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		479.3	495.9	525.6	557.1	590.6
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		7	7	7	7	7
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: Not Available

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Robert J. Bacolas, Sr. *R. Bacolas* Phone 465-4870
 Division: Labor Standards and Safety Date: March 9, 1983
 Approved by Commissioner: Jim Robison *Jim Robison* Date: March 9, 1983
 Department: Labor

LEG:A:23

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

DETAIL BILL ANALYSIS FOR SENATE BILL 154

Under this bill the Department of Labor will act as the labor relations agency for all political subdivisions of the State except school districts and Rural Population Attendance Areas. The department will be responsible for investigation of representation petitions, determination of appropriate units for collective bargaining purposes, investigations and resolution of unfair labor practices complaints, conducting and monitoring elections, conducting hearings for representation and unfair labor practices, and mediation and conciliation services, initiating court action for injunctive relief and other appropriate remedies. The department anticipates a minimum of 30 petitions for representation of public employees of organized boroughs and first class cities as a result of this measure's passage.

Five Wage and Hour investigators will be required to conduct investigations, attend the elections, and hold informal hearings. Three of these investigators will be located in Anchorage to handle South Central Alaska, and one will be located in both Fairbanks and Juneau to handle the Northern and Southeastern portions of the State, respectively. A Clerk IV and Clerk Typist II located in Anchorage will be needed in order to provide the requisite support to the five investigators.

The bill will also require the department to contract for a Hearing Officer on 30 occasions (\$23,900), court reporting services including transcripts (\$13,000), plus printing (\$5,800), and legal costs (\$13,800). All other costs in Contractual Services are normal operating costs and include \$26,036 for indirect support and \$23,800 for rent. Additionally, \$7,320 has been included for the Hearing Officer and \$52,880 for the five Wage and Hour investigators' travel and per diem.

Assumptions:

- 30 hearings will be conducted in FY 1984
- 13,674 public employees will be eligible for collective bargaining
- Effective date of July 1, 1983
- Inflation rate of 6% per annum

The equipment cost of \$11,500 is a one-time item.

A:17

1.	POSITION TITLE Wage and Hour Investigator II				RANGE/STEP 18 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL		ADDITION	X	JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES*									
5.	Salary	35,592								
6.	Benefits	5,649								
7.	Supplemental Benefits	2,182								
8.	Fixed Benefits	2,880								
9.	TOTAL PERSONAL SERVICES	01	46,303							
10.	Travel	02	12,880							
11.	Contractual	03	13,088							
12.	Commodities	04	500							
13.	Equipment	05	1,500							
14.	Other									
15.	TOTAL COST		74,271							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.	100	General Funds	1004	74,271						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position will be responsible for the training, day to day supervision, and evaluation of the Anchorage, Juneau, and Fairbanks staff associated with Senate Bill 154. Delegates staff duties and assignments, control office expenditures, review procedures and case disposition of subordinates, provide interpretation and policy guidance as required. Coordinate and execute activities and policies of division administrative office. In addition the position will be required to attend elections, conduct investigations, and hold informal hearings. In so doing the incumbent will write findings of fact and conclusions of law and prepare draft decisions where appropriate. This position will also be responsible for personnel actions, evaluating performance and work product, leave scheduling and travel.

Extensive travel will be required in order for this position to perform these duties affectively; therefore \$12,880 has been allotted for this activity.

Contractual services includes \$4,688 for indirect support services, \$3,400 for rent, and \$5,000 for basic operating costs.

The position will require \$1,500 to purchase basic office equipment.

13 REQUEST FOR NEW POSITION

AGENCY Labor
PROGRAM Public Protection
BRU Labor Standards & Safety
COMPONENT Wage and Hour

Page 1 of 7
Revised Date _____

FY 84

1.	POSITION TITLE Wage and Hour Investigator I			RANGE/STEP 16 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPR. J.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.	
3.	CONTINUATION LEVEL	ADDITION	X	JUSTIFICATION					
4.	TYPE OF EXPENDITURE		AMOUNT			<p>This position will be required to hold informal hearings, attend elections and conduct investigations, explain labor laws to employers and employees pertaining to collective bargaining.</p> <p>Contractual services includes \$4,068 for indirect support services and \$3,400 for rent, and \$5,000 for basic operating cost.</p> <p>The position will require \$1,500 to purchase basic office equipment.</p>			
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	30,888							
6.	Benefits	4,902							
7.	Supplemental Benefits	1,894							
8.	Fixed Benefits	2,880							
9.	TOTAL PERSONAL SERVICES	01	40,564						
10.	Travel	02	10,000						
11.	Contractual	03	12,468						
12.	Commodities	04	500						
13.	Equipment	05	1,500						
14.	Other								
15.	TOTAL COST		65,032						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.	100	General Funds 1004		65,032					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

FY 84

Page 2 of 7

Revised Date _____

1.	POSITION TITLE Wage and Hour Investigator I			RANGE/STEP 16 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.	

3.	CONTINUATION LEVEL	ADDITION	y
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES*		
5.	Salary	30,888	
6.	Benefits	4,902	
7.	Supplemental Benefits	1,894	
8.	Fixed Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	40,564
10.	Travel	02	10,000
11.	Contractual	03	12,468
12.	Commodities	04	500
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		65,032

JUSTIFICATION

This position will be required to hold informal hearings, attend elections and conduct investigations, explain labor laws to employers and employees pertaining to collective bargaining.

Contractual services includes \$4,068 for indirect support services and \$3,400 for rent, and \$5,000 for basic operating cost.

The position will require \$1,500 to purchase basic office equipment.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	65,032
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

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4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

FY 84

Page 3 of 7

Revised Date _____

1.	POSITION TITLE Wage and Hour Investigator I			RANGE/STEP 16 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 99	LEG.	

3.	CONTINUATION LEVEL	ADDITION	y
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES*		
5.	Salary	30,888	
6.	Benefits	4,902	
7.	Supplemental Benefits	1,894	
8.	Fixed Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	40,564
10.	Travel	02	10,000
11.	Contractual	03	12,468
12.	Commodities	04	500
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		65,032

JUSTIFICATION

This position will be required to hold informal hearings, attend elections and conduct investigations, explain labor laws to employers and employees pertaining to collective bargaining.

Contractual services includes \$4,068 for indirect support services and \$3,400 for rent, and \$5,000 for basic operating cost.

The position will require \$1,500 to purchase basic office equipment.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	65,032
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

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4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

FY 84

Page 4 of 7

Revised Date _____

1.	POSITION TITLE Wage and Hour Investigator I			RANGE/STEP 16 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT 99	LEG.	

3.	CONTINUATION LEVEL	ADDITION	y
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES*		
5.	Salary	30,888	
6.	Benefits	4,902	
7.	Supplemental Benefits	1,894	
8.	Fixed Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	40,564
10.	Travel	02	10,000
11.	Contractual	03	12,468
12.	Commodities	04	500
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		65,032

JUSTIFICATION

This position will be required to hold informal hearings, attend elections and conduct investigations, explain labor laws to employers and employees pertaining to collective bargaining.

Contractual services includes \$4,068 for indirect support services and \$3,400 for rent, and \$5,000 for basic operating cost.

The position will require \$1,500 to purchase basic office equipment.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	65,032
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

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4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

Page 5 of 7

Revised Date _____

FY 84

1.	POSITION TITLE Clerk Typist II				RANGE/STEP 7 A	BARG. UNIT GGU	FORM 12	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER --	BRU PRIORITY --	LOCATION Anchorage	ELECTION DISTRICT 99		LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT							
	1	2	3								
	PERSONAL SERVICES										
5.	Salary		18,132								
6.	Benefits		2,878								
7.	Supplemental Benefits		1,112								
8.	Fixed Benefits		2,880								
9.	TOTAL PERSONAL SERVICES		01	25,002							
10.	Travel		02								
11.	Contractual		03	10,788							
12.	Commodities		04	1,500							
13.	Equipment		05	2,500							
14.	Other										
15.	TOTAL COST			39,790							
<p>This position will lend clerical support to the Wage and Hour Investigators.</p> <p>Type correspondence for signature of composer including preparation of technical or legal documents, complex material, i.e.: regulations, legislation, form layouts and masters, transcribe from dictation, tape recording or draft. Compile Wage and Hour activity data, type statistical and/or investigative documentary reports.</p> <p>Contractual services includes \$2,388 for indirect support services, \$3,400 in rent and \$5,000 for other normal operating costs.</p> <p>The equipment line item includes \$2,500 to purchase basic office equipment for this position.</p>											
	RECEIPT CODE	FUNDING SOURCE									
16.		Federal Receipts 1002									
17.		G.F. Match 1003									
18.	100	General Funds 1004		39,790							
19.		I-A Receipts 1005									
20.		Program Receipts 1028									
21.		Other									
<p>FOR B&M USE ONLY</p> <p>4A KEY NUMBER _____</p>											

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards & Safety

COMPONENT Wage and Hour

FY 84

Page 6 of 7

Revised Date _____

1.	POSITION TITLE Clerk IV				RANGE/STEP 9 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 154	PCN NUMBER --	BRU PRIORITY ---	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL				ADDITION		X	JUSTIFICATION		
4.	TYPE OF EXPENDITURE			AMOUNT		<p>This position will lend clerical support to the Wage and Hour investigators.</p> <p>The position will directly assist complainant in preparing claims and explains compliance procedures; prepares legal documents and prepares case files for transmittal to the Department of Law.</p> <p>Contractual services includes \$2,688 for indirect services \$3,400 in rent, and \$5,000 for other normal operating costs.</p> <p>The equipment line item consists of \$1,500 to purchase desk, chair, file cabinet, etc.</p>				
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	20,412								
6.	Benefits	3,240								
7.	Supplemental Benefits	1,252								
8.	Fixed Benefits	2,880								
9.	TOTAL PERSONAL SERVICES	01	27,784							
10.	Travel	02								
11.	Contractual	03	11,088							
12.	Commodities	04	1,000							
13.	Equipment	05	1,500							
14.	Other									
15.	TOTAL COST		41,372							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	100	General Funds 1004		41,372						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 84

Page 7 of 7

Revised Date _____

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: November 30, 1983

REQUEST CS for SB 154 FISCAL DETAIL
 Bill/Resolution No.: (Rules Am.) Agency Affected: Labor
 Title: Municipal Exemption Option Program Category Affected: Worker Protection
 to PERA
 Sponsor: Senator Fahrenkamp BRU, Proj, am or Subprogram(s) Affected: Labor Standards & Safety
 Requestor: Senate Labor & Commerce
 Date of Request: April 22, 1983

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not Applicable

ANALYSIS: Attach a separate page for analysis

Prepared By: Robert J. Bacolas Phone: 465-4870
 Division: Labor Standards & Safety Date: _____
 Approved by Commissioner: Jim Robison Date: 12/13/83
 Agency: Labor

LEG:A:15
 Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

SB 154 TITLE & SPONSOR SUMMARY 16:14 6/04/84 PAGE 1 OF 2

AMENDED TITLE: CSSB 154(RLS)AM
AN ACT RELATING TO THE MUNICIPAL EXEMPTION OPTION TO THE
PUBLIC EMPLOYMENT RELATIONS ACT
PRIME SPONSOR: FAHRENKAMP.
CO-SPONSORS: MOSS.

CURRENT STATUS: 6/13/83 RET (S) RULES

SB 154 SENATE ACTION 16:14 6/04/84 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/28/83	01	0202	FIRST READING -- COMMITTEE REPORTS
04/25/83	02	0798	L&C -- CS02, NR03
04/25/83	03	0798	MOVED FROM FIN TO RLS BY UNAN CONSENT
06/02/83	04	1180	RLS -- CS04, OTHER04 TAKEN UP IMMEDIATELY
06/02/83	05	1186	POSTPONED UNTIL 06/06/83 BY UNAN CONSENT RULES
06/06/83	06	1215	SECOND READING
06/06/83	07	1215	POSTPONED UNTIL 06/07/83 BY UNAN CONSENT
06/07/83	08	1223	POSTPONED UNTIL 06/08/83 BY UNAN CONSENT
06/08/83	09	0000	POSTPONED UNTIL 06/09/83 BY UNAN CONSENT
06/09/83	10	1252	SECOND READING
06/09/83	11	1252	RLS CS ADOPTED BY UNAN CONSENT
06/09/83	12	1253	AM01 ADOPTED BY DIV 10-08-02
06/09/83	13	1253	ADVANCED TO 3RD READING BY UNAN CONSENT
06/09/83	14	1253	THIRD READING
06/09/83	15	1253	POSTPONED UNTIL 06/10/83 BY UNAN CONSENT
06/10/83	16	1261	POSTPONED UNTIL 06/13/83 BY UNAN CONSENT
06/13/83	17	1281	RECOMMITTED TO RLS BY UNAN CONSENT
XXXX	XX	XX	XXX XXX XXX

COMMITTEE REPORT

SENATE

2/26/35

FURTHER: FINANCE

Date:

4/21/83

Mr. President:

The Committee on LABOR & COMMERCE has had HR 15A

An Act repealing the municipal exemption option to the Public Employment Relations Act.

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 HR 15A (2nd) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

CHAIRMAN

Name (please print)	Address	Representing	Testify?? (YES or NO)	Phone Number
JOHN BAUS ✓	656 7th Ave FBKS	FPDEA INC.	Yes	452-1527
BARRY HAIGHT ✓	S.R. BOX 20184 FBKS.	FAIRBANKS FIRE FIGHTERS ASSOC.	YES	455-6293
DONALD R. ALLMOND, SR ✓	PO BOX 10112 FAIRBANKS, AK	TENDERS' UNION LOCAL 959	YES	452-5421
TERENCE W. LORD ✓	SR BOX 40749 6mi Steese	OPERATING ENGINEER	YES	452-8663
Greg Jaynes ✓	2707 Denali Anch	IBEW	yes	272-6571
Helene Hennings ✓	1326 La Touche			279-2919
RICH PELUSO ✓	2501 Commercial DR.	LABORERS LOCAL 341	YES	272-4571
DAVID L. SOULAS ✓	Box 2742 Palmer	CITY OF PALMER		745-4524
Justin Maile ✓	130x 409 Soldotna	City of Soldotna	Yes	262-9701
Donald Vitek ✓	S.R. BOX 40740 FBKS	Public Employees # 71	yes	456-6371
Al J. Buffum ✓	530 East 4th Ave	L 71	Yes	274-7211
Wang Blank	2241 04th Ave DR. ANCH.	Local 71	yes	349-2442
Jim Dolan ✓	1910 EAST VIEW Anch	Local 71		337-0850
John NACCARATO ✓	407 Denali St. Anch, AK	Asbestos Workers #97		272-8224
DONALD SHANNON ✓	P.O. BOX 73566 Foks AK	Public Employees # 71	Yes	456-8882
Bill Brighton ✓	Box 2095 Kenai	Kenai, Ak.	Yes.	283 7530
BILL HAO	656-7th AVE FBKS	FBKS FIRE FIGHTERS		452-1527
Kristina Bled ✓	575 7th Ave. Suite 300 Fair-Ck. 99701	Senator Jahnkamp (Observer)		452-4882
John L. Alexander ✓	632 6th Ave Rm 700 Anch. 99501	Municipality of Anch	Yes	264-4424

Name (please print)	Address	Representing	Testify?? (YES or NO)	Phone Number
MARLENE NEUE ✓	SR BOX 20948 FBKS	AFL-CIO	(2) YES	456-2030
MICHAEL E. PULICE ✓	1635 KIVALUA ST. FBKS	FBKS POLICE DEPT. EMPLOYEES ASC.	(4) YES	452-6652
JAMES R. WAKEFIELD ✓	369 S. Franklin St. Jnu	Laborers Local #942	Yes (10)	586-3880
(1) Lee Sharp ✓	155 So Seward - Juneau	City & Borough ✓	(6) YES	586-3300
Monica Miller ✓	201 N. Franklin	AML	(3) YES	6-3325
BARBARA STECKEL ✓	Pouch 6-650 Anch	Union of Anch	(1) YES	264-4433
BARRY HAIGHT ✓	SR BOX 2015 FBKS	FAIRBANKS FIRE FIGHTERS	YES (9)	455-6293
BILL HAD ✓	PO BOX 867 FBKS	FAIRBANKS FIRE FIGHTERS	(9) YES	456-6458
TOM CASHEN ✓	1124 FRONT ST	IBEW LOCAL 1547A	(1) YES	586-3050
GREG O'CLARAY ✓	124 FRONT ST.	IBU SIU	(6) YES	586-9711
JIM ROBISON ✓	Box 1149	D.O. &	(8) YES	461-2700
CHERIE SHELLY		APEA		
Senator B. Fahrenkamp	☆ Pouch U (Juneau)	Sponsor SB154	X	

FROM: LYNDA/FBX

TO: JNH T/C

TARGET: LJHZ SUBJ: LOCAL STATS SEN L&C T/C 2 (SB154)

FAIRBANKS

TESTIFIED:

- 1. BARRY HAIGHT, S.R.BOX 20184, FBX. PH-- (CITY EMPLOYEES)
- 2. HUB KUSS, 410 CUSHMAN ST., FBX. #452-1518 (CITY OF FAIRBANKS)
- 3. RON PUTNAM, 60 HALL ST., FBX. #456-4248 (I.B.E.W. LC 1547)
- 4. WILLIE LEWIS, 315 BARNETTE, FBX. #452-3139 (LOCAL 942)
- 5. DON ALLMOND, P.O.BOX 73640, FBX. 99710 #452-5421 (TEAMSTER CITY EMPLOYEES)
- 6. CHRIS CATALONE, P.O.BOX 1713, FBX. #452-2360 (CITY PUBLIC WORKS)

OBSERVED:

- 1. JAMES E. JENNINGS, 656 7TH AVE., FBX. #452-1557
- 2. PATRICIA MOHRMANN, 656 7TH AVE, FBX. #452-1527
- 3. RICHARD LUCASON, BOX 2313, FBX. #479-4852
- 4. SCOTT MICHAELS, 656 7TH AVE., FBX. #488-6121
- 5. JOHN H. COLE, 2640 KUSKOKWIM, FBX. #452-6444
- 6. SUZANNE ANDRE, 234 GLACIER, FBX. #452-2967
- 7. BOB CRAIG, P.O.BOX 80689, FBX. #479-8340
- 8. JOHN FRISONE, 656 7TH AVE., FBX. #452-2967
- 9. JOSEPH ANDRE, 656 7TH AVE., FBX. #452-2967
- 10. DAVID MANINGER, 656 7TH AVE., FBX. #456-8964
- 11. WILLIE BLACKBURN, 656 7TH AVE., FBX. #456-2405
- 12. CLIFF MERCER, P.O.BOX 81403, FBX. #488-9700
- 13. BILL LOWE, S.R.BOX 30771, FBX. #456-1599
- 14. KEVIN FURCELL, 1908 CARR AVE., FBX. #452-7575
- 15. KAYLE LAMOUNTAIN, P.O.BOX 73640, FBX. #488-9549
- 16. W.B. CAWSEY, BOX 73640, FBX. 452-7794
- 17. LINDA ELZEY, 212 STEELHEAD RD., FBX. #479-4019
- 18. DON CALLAHAN, 475 HALVORSON RD., FBX. #479-2678
- 19. BILL SUCHAND, 2246 JACK ST., FBX. #456-1609
- 20. ERIC MOHRMANN, 605 SPRUCEWOOD DR., FBX. #479-5294
- 21. LARRY RICHARDS, 820 6TH AVE., FBX. #452-1228
- 22. WALTER HOOVER, 727 BENTLEY DR. WEST, FBX. #PH--
- 23. WILLIAM MADISON, 2020 MCCOLLAM, FBX. #456-1374
- 24. JOHN LAMOUNTAIN, 656 7TH AVE., FBX. #488-9549
- 25. LEE W. DESPAIN, P.O.BOX 73246, FBX. #479-4062
- 26. ISSAC TALLEUR, P.O.BOX 73184, FBX. #456-4738
- 27. ART ROBSON, 3568 GERAGHTY ST., FBX. #479-6281
- 28. BEVERLY NESTER, S.R.BOX 50935, FBX. #488-6356
- 29. DAVID NESTER, S.R.BOX 50935, FBX. #488-6356
- 30. RICHARD DEAN, 4389 BISHOP CIRCLE, FBX. #PH--
- 31. RON WILLIS, 1716 SOUTHERN, FBX. #--
- 32. BILL TILMAN, 3711 ERICKSON, FBX. #--
- 33. GEORGE BACON, P.O.BOX 82046, FBX. 99708 #--
- 34. JIM WHIGHAM, 1837 ESQUIR, FBX. #--
- 35. MIKE FULICE, BOX 656, FBX. 99701 #--
- 36. JIM SAMPSON, 315 BARNETTE ST., FBX. #--
- 37. ADRIANNA LEWIS, P.O.BOX 80865, FBX. 99708 #--
- 38. ARTHUR JERNSTROM, BOX 1635, FBX. 99707 #--
- 39. DIXIE JENNINGS, S.R.BOX 3020B, FBX. 99701 #--

TESTIFIED: 6

OBSERVED: 39

TOTAL 45

-----EOM

MSG 83-00002530 PRTY 03/22/83 18:12:18 OR LA08 IN= 0021 OUT= 0093
FROM: BARBARA IN ANCHORAGE TO: TOM IN JNU
TARGET: LJHZ SUBJ: FINAL LIST OF PARTICIPANT, (S)L&C/T/C, 3/2

THE FINAL LIST FROM ANCHORAGE IS:

ANCHORAGE

WITNESSES:

1. ✓ KEVIN DOUGHERTY/AK DISTRICT COUNCIL OF LABORERS, 1770 EAGLE RIVER, EAGLE RIVER, AK 276-1640 & 694-5084
2. KATHRINE KIEWIK/CITY OF SITKA, P.O.BOX 2445, SITKA, AK 747-3649
3. JOHN KIEWIK/FIRE FIGHTERS, LOCAL 1264, C/O 211 W. 7TH, ANCHORAGE, 99501 561-1064

OBSERVERS:

1. IRENE LENZ, 825 E. 8TH AVE, ANCHORAGE,
 2. MARK P. BUTLER/MUNICIPALITY OF ANCHORAGE, 916 W. 19TH , ANCHORAGE 264-4594
-

MSG 83-00002599 PRTY 1 03/22/83 17:37:42 ORIG: L000 IN= 0009 OUT= 0088
FROM: KODIAK TO: TOM/JUNO
TARGET: LJHZ SUBJ: S. L&C...SB 154 T/C...3/22/83

OMNI # 5

RECAP OF OBSERVERS AND PERSONS TESTIFYING

KODIAK

TESTIFYING:

1. DENNIS MURRAY, ASSEMBLY MEMBER KODIAK ISLAND BOROUGH BOX 1029, KODIAK, AK. 99615 PHONE 486-3551
2. SAM GESKO, CITY MANAGER, CITY OF KODIAK BOX 1397, KODIAK, AK. 99615 PHONE 486-3530

OBSERVERS:

1. DAVE WALDRON, KODIAK ISLAND BOROUGH BOX 1246, KODIAK, AK. 99615 PHONE 486-4093
2. MAROLYN PEDERSEN, KIB SCHOOL DISTRICT BOX 886, KODIAK, AK. 99615 PHONE 486-3131
3. NANCY E. JONES, CITY EMPLOYEE BOX 2915, KODIAK, AK. 99615 PHONE 486-6223
4. NELL WAAGE, KODIAK DAILY MIRROR BOX 1307, KODIAK, AK. 99615 PHONE 486-3227
5. SCOTT ARNDT, KODIAK ISLAND BOROUGH ASSEMBLY MEMBER BOX 489, KODIAK, AK 99615 PHONE 486-3745
6. ROGER MOORE, KMXT RADIO STATION BOX 484, KODIAK, AK. 99615 PHONE 486-3181

A LETTER FROM ANN M. MOEN WAS READ BY THE MODERATOR AS MRS. MOEN COULD NOT ATTEND THE TELECONFERENCE.

ANN. M. MOEN, BOROUGH EMPLOYEE
BOX 3074, KODIAK, AK. 99615 PHONE 486-5736

EDM/

MSG 83-00002505 PRTY 1 03/22/83 15:50:34 ORIG: LL00 IN= 0022 OUT= 0003
FROM: LORI IN SOLDOTNA TO: JUNE T.C.
TARGET: LJM SUBJ: SENATE LABOR & COMMERCE COMM. TC 3/22

SEN DOTNA

OMNI #1
PARTICIPANT

1. CLANCY JOHNSON KENAI PENINSULA BORO BOX 850 SOLDOTNA, AK 99669 262-4441

THAT'S ALL FOR NOW
EOM

OMNI #2

OBSERVER WHO LATER MAY WANT TO TESTIFY

1. BILL BRIGHTON CITY OF KENAI BOX 580 KENAI, AK 99611 283-7530

EOM

TESTIFY

2) BETTY J. GLICK - CITY OF KENAI, BOX 528 KENAI, AK. 99611 283-7644

MSG 83-00002534 PRTY 1 03/22/83 16:10:54 ORIG: LR00 IN= 0013 OUT= 0064
FROM: FLORENCE IN BARROW TO: TOM
TARGET: LJHZ SUBJ: (S) L&C ON SB 154 PERA

OMNI #1

BARROW

HERE TO OBSERVE IN BARROW:

1. DAVE MCNEELY
REPRESENTING THE NORTH SLOPE BOROUGH
BOX 69
BARROW, ALASKA 99723
852-2611

FROM: DOROTHY IN DILLINGHAM
TARGET: LJHZ SUBJ: HB158 TC

TO: TOM/JUNEAU

OMNI #1

MAT-SU

WITNESSES - NONE

OBSERVERS - SHIRLEY WIGGINS, SEA INN INC, BOX 193, DILLINGHAM, ALASKA 99576
TELEPHONE NUMBER IS 842-59993

MSG 83-00002521 PRTY 1 03/22/83 16:03:54 ORIG: LM00 IN= 0014 OUT= 0008
FROM: MARTIE/MATSU TO: TELECONFERENCE MODERATORS
TARGET: LJHZ SUBJ: SEN. L & C SB 154

MAT SU, OMNI #1
TO TESTIFY:

1. JESS LEE, PO BOX 1813, PALMER 745 3893
2. RICK BROWN, MAT SU BOROUGH EMPLOYEES ASSOCIATION, PO BOX 1247, WASILLA
376 4580
3. ELSIE M. O'BRYAN, HOUSTON CITY CLERK, PO BOX 24, HOUSTON
4. DAVID SOULAF, PALMER CITY MANAGER, BOX 1368, PALMER 99645

MSG 83-00002517 PRY 03/22/83 16:11:32 OR LK00 IN= 0008 OUT= 0066
FROM: EVELYN/KETCHIKAN TO: ALL
TARGET: LJHZ SUBJ: SB152/REPEAL MUNICIPAL OPTION

OMNI 1

KETCHIKAN

TO TESTIFY:

1. GLENN POTTER, PO BOX 8903, KETCHIKAN, AK 99901
KTN PROFESSIONAL FIREFIGHTER 225-6943
2. WAYNE THOMPSON, RT L - BOX 1059, KTN
IBEW 247-8224
3. LAUREL VAN HOOFF, 3337 ARNOLD, KTN 225-5834
4. LYNETTE STREEPER, BOX 5154, KTN 225-6787

OBSERVERS:

1. JOHN GOUCHER, PO BOX 8998, KTN
225-5974
2. ELWIN KLEIN, P. O. BOX 6294, KETCHIKAN, ALASKA 99901, 225-5698
3. EUGENE COMBS, P. O. BOX 123, WARD COVE, ALASKA 99928, 247-2359

MSG 83-00002539 PRY 1 03/22/83 16:18:12 ORIG: 460\$ IN= 0004 OUT= 0073
FROM: MJ/PETERSBURG TO: TOM/JUNEAU
TARGET: LJHZ SUBJ: T/C PARTICIPANTA

MEMO 1 TO PARTICIPATE/TESTIFY
AL DWYER BOX 810, 4505
CELIA FORREST BOX 1017, 4545
JIM GUINEY BOX 1244, 3766
KATHIE HORTON BOX 865, 3307
EVERETT HOPE BOX 102, 3774
TO OBSERVE
SHIRLEY NELSON BOX 223, 4792
JANE BUOTTE BOX 948, 4689

PETERSBURG

ALL PHONE PREFIX 772 AND PETERSBURG ZIP 99833
TO TESTIFY
RICK BRAUN BOX 711, 3986
EDM

MSG 83-00002525 PRY 1 03/22/83 16:04:29 ORIG: LV00 IN= 0005 OUT= 0009
FROM: PAT, VALDEZ TO: TOM/JRU
TARGET: LJH6 SUBJ: SB154/PERA T/C

OMNI #1

VALDEZ

HERE TO TESTIFY...

1. MICHAEL GALLAGHER, BOX 971, VALDEZ, AK 99686, 835-2772

MSG 83-00002510 PRY 1 03/22/83 15:52:01 ORIG: LN00 IN= 0007 OUT= 0004
FROM: SANDY, NOME TO: TOM
TARGET: LJH6 SUBJ: SB 154 T/C 3/22

OMNI #1

NOME

TO TESTIFY:

1. IVAN L. WIDON, CITY OF NOME, P.O. BOX 281, NOME, AK 99762 443-5242
3. JUDI MORRIS, CITY OF NOME, BOX 281 443-5242
4. BERDA WILLSON, NOME JOINT UTIL. APEA, BOX 70 443-5288

~~BMNT~~

SITKA

TO TESTIFY:

1. MAYOR DAPCEVICH (AGAINST THE BILL)
2. CHESTER SCHMIDT (FOR THE BILL)

TO OBSERVE:

1. LAWRENCE STRAUSS, SENTINEL
2. RAY STEPHENS
3. STEVEN ROSS
4. DICK SUNDE

TO OBSERVE:

5. DANNA SEELAND

OBSERVER

6. MARVIN KINBERG JR.

EOM/FAB

TO TESTIFY:

3. FRANK GIOFFRE
4. STEVEN ROSE
5. R.S. EDDY

TO OBSERVE:

7. KARL HANSEN
8. ROGER SAMS
9. DON SEELEY

TO OBSERVE:

10. PATRICIA TRENT

TO TESTIFY:

6. JOANNE CLYDE

TO TESTIFY:

7. SUSAN WHITE

Cordova

3/23
Sen JAC 154

Jim Poore
Richard Groff
Donna Sherby

Hawes

Dick Jackson

Homer

Jerry Farnen
John Calhoun

Seward St

Ron Garzini

SECTIONAL ANALYSIS FOR CSSB 154 (L&C)

Version 1

"An Act relating to the municipal exemption option to the Public Employment Relations Act."

Section 1

(a) Enacts into permanent law the municipal exemption option which is currently in special and temporary laws as Sec. 4, Chapter 113, SLA 1972. The original placement of that section seems to be in error, as it is a section which has continuing effect and validity.

(b) Requires an organized borough or political subdivision that chooses to opt-out of P.E.R.A. to adopt an ordinance within 180 days which guarantees its employees the right to engage in collective bargaining.

The scope of the issues to be addressed in the collective bargaining process includes wages, hours, and other terms and conditions of employment, grievance procedures and methods of impasse resolutions. This section recognizes the employees' right to be certified as a bargaining unit and to be represented by a labor organization.

Language of subsection (b) was provided by Greg Oczkus, General Counsel, IBEW.

Section 2

Requires an organized borough or political subdivision that has already opted-out of P.E.R.A. to adopt an ordinance as outlined in Section 1(b) within 180 days after the effective date of this bill.

Section 3

Repeals "opt-out" provision that was placed under Editor's Notes.

SECTIONAL ANALYSIS FOR CSSB 154 (L&C)
Version 2

Section 1

Requires an organized borough or political subdivision that chooses to opt-out of P.E.R.A. to adopt an ordinance within 180 days which guarantees its employees the right to engage in collective bargaining.

The scope of the issues to be addressed in the collective bargaining process includes wages, hours, and other terms and conditions of employment, grievance procedures and methods of impasse resolutions. This section recognizes the employees' right to be certified as a bargaining unit and to be represented by a labor organization.

Language of subsection (b) was provided by Greg Oczkus, General Counsel, IBEW.

Section 2

Requires an organized borough or political subdivision that has already opted-out of P.E.R.A. to adopt an ordinance as outlined in Section 1(b) within 180 days after the effective date of this bill.

This version retains Section 4, ch. 113, SLA 1972, as listed in Editor's Notes.

SECTIONAL ANALYSIS FOR CSSB 154 (L&C)
Version 3

Section 1

(a) Enacts into permanent law the municipal exemption option which is currently in special and temporary laws as Sec. 4, Chapter 113, SLA 1972. The original placement of that section seems to be in error, as it is a section which has continuing effect and validity.

(b) Requires an organized borough or political subdivision that chooses to opt-out of P.E.R.A. to adopt an ordinance within 180 days that is "substantially comparable" to P.E.R.A.

The scope of the issues to be addressed in the collective bargaining process includes hours of employment, compensation and fringe benefits, and the employer's personnel policies affecting the working conditions of the employees.

Language for subsection (b) was provided by the Department of Labor.

Section 2

Requires an organized borough or political subdivision that has already opted-out of P.E.R.A. to adopt an ordinance as outlined in Section 1(b) within 180 days after the effective date of this bill.

Section 3

Repeals "opt-out" provision that was placed under Editor's Notes.

MR. CHAIRMAN, I WANT TO THANK YOU AND THE COMMITTEE FOR YOUR PROMPT ATTENTION IN SCHEDULING SB 154. I UNDERSTAND THAT YOU HAVE RECEIVED THE BACK-UP MATERIALS AVAILABLE TO ME ON THE SUBJECT OF THE BILL, INCLUDING REMARKS WHICH I HAVE MADE. THEREFORE, I WILL NOT COVER OLD GROUND.

I WOULD, HOWEVER, LIKE TO PUBLICLY CLARIFY MY REASONS FOR INTRODUCING SB 154, A BILL TO REPEAL SEC. 4 OF THE PUBLIC EMPLOYMENT RELATIONS ACT (P.E.R.A.).

IN THIS LEGISLATION WE ARE ATTEMPTING TO ADDRESS BASIC GUARANTEED RIGHTS, RIGHTS WHICH HAVE BEEN GUARANTEED FOR STATE EMPLOYEES SINCE THE 1972 PASSAGE OF THE P.E.R.A. IN A WORLD ECONOMY, AND CONTINUALLY A STATE ECONOMY, ROCKED BY INTERNATIONAL ENERGY POLICIES WHICH IN THEMSELVES ARE UNSETTLING, WE ARE ATTEMPTING TO BRING SOME SECURITY, SOME ASSURANCES AND SOME GUARANTEES THAT ALL PUBLIC EMPLOYEES HAVE BASIC RIGHTS FROM WHICH THEY SHOULD NOT BE DISENFRANCHISED.

AS ENACTED, THE P.E.R.A. ENVISIONED GENERAL APPLICABILITY OF ITS PROVISIONS TO ALL BOROUGHES AND POLITICAL SUBDIVISIONS. THE P.E.R.A. IS THE RULE; THE KOSLOSKY AMENDMENT EXEMPTION IS THE EXCEPTION TO THE RULE.

BUT AS AN OLD SCHOOL TEACHER, I KNOW THAT EXCEPTIONS TO RULES HAVE GOOD REASONS FOR BEING THERE AND REAL REASONS FOR BEING THERE. IN THIS CASE THE GOOD REASON IS THAT WE ALL WANT TO SUPPORT LOCAL AUTONOMY AND CONTROL OVER A GOVERNMENT'S EMPLOYEES. THE REAL REASON HERE IS THAT A SIGNAL WAS SENT TO LOCAL GOVERNMENTS SAYING THAT WHILE THEY WERE BEING PROVIDED THE OPPORTUNITY TO EXERCISE LOCAL EMPLOYER PREROGATIVES, IT WAS FULLY EXPECTED THAT THEY WOULD ADOPT ORDINANCES WHICH UPHELD AND GUARANTEED BASIC EMPLOYEE RIGHTS SIMILAR TO THOSE ENACTED BY THE P.E.R.A.

THE DECLARATION OF POLICY STATEMENT CONTAINED IN THE P.E.R.A.

RECOGNIZED THAT PUBLIC EMPLOYEES SHOULD SHARE IN THE DECISION-MAKING PROCESS AFFECTING THEIR WAGES, WORKING CONDITIONS AND THE LIKE. P.E.R.A. ACKNOWLEDGED THAT UNDER THESE CONDITIONS, EMPLOYEES FEEL BETTER AND ARE MORE RESPONSIVE AND THAT THE JOB OF GOVERNMENT IS EFFECTIVELY ACCOMPLISHED.

THERE ARE SOME VERY GOOD EXAMPLES OF POLITICAL SUBDIVISIONS OF THE STATE WHICH HAVE ADOPTED PERSONNEL SYSTEMS EMBRACING THE PRINCIPLES OF THE P.E.R.A. ONE THAT IMMEDIATELY COMES TO MIND IS THE MUNICIPALITY OF ANCHORAGE. THEY HAVE MADE A STRONG COMMITMENT TO EMPLOYEE RIGHTS AND WHILE THEY HAVE EXEMPTED THEMSELVES FROM THE ACT, THEY HAVE NOT CONSTRUED THIS EXEMPTION TO ALLOW ANY INTERFERENCE WITH EMPLOYEES' ASSERTION OF THEIR RIGHTS.

AS A POINT OF LAW, AMPLIFIED BY SEVERAL COURT CASES WHICH WERE PROVIDED THE COMMITTEE, THE RIGHT AND POWER OF A CITY OR MUNICIPALITY TO REJECT THE P.E.R.A. HAS BEEN FOUND TO BE SUBORDINATE TO THE RIGHTS OF THE EMPLOYEES. (ANCHORAGE MUNICIPAL EMPLOYEES ASSOCIATION VS. THE MUNICIPALITY OF ANCHORAGE.) ADDITIONALLY, IT HAS BEEN RECOGNIZED THAT TO EXEMPT IS NOT TO ELIMINATE, DIMINISH, OR AFFECT THE RIGHTS OF EMPLOYEES. AS LONG AS GOOD FAITH BARGAINING CONTINUES, THEN THE INTENT OF THE P.E.R.A. IS BEING MET.

MR. CHAIRMAN, IT IS MY SINCERE HOPE THAT THE COMMITTEE WILL MOVE EXPEDITIOUSLY ON THIS LEGISLATION AND THEREBY ESTABLISH THEIR CLEAR SUPPORT FOR THE BASIC RIGHTS OF EMPLOYEES IN ALASKA.

I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THE COMMITTEE MIGHT HAVE AT THIS TIME.

FISCAL NOTE

MR. CHAIRMAN, I HAVE HAD ONLY A VERY QUICK LOOK AT THE FISCAL NOTE PROVIDED BY THE DEPARTMENT OF LABOR FOR THIS BILL.

IT APPEARS EXCESSIVELY HIGH. ONE COST WHICH IS ATTRIBUTED TO THIS BILL WHICH SHOULD NOT BE IS THE ADDITIONAL BURDEN OF INVESTIGATING REPRESENTATION PETITIONS AND DETERMINING THE APPROPRIATE COLLECTIVE BARGAINING UNITS FOR FAIRBANKS AND ANCHORAGE. BOTH OF THESE COMMUNITIES CURRENTLY HAVE THESE STEPS COMPLETED. AS THEY COLLECTIVELY CONSTITUTE 47% OF THE NEW ELIGIBLE EMPLOYEES, THE FISCAL NOTE SHOULD BE MODIFIED TO REFLECT THESE SAVINGS. THIS OVERSIGHT MIGHT SUGGEST THAT FURTHER DOCUMENTATION MIGHT BE REQUIRED TO SUBSTANTIATE THE COST OF IMPLEMENTING THIS LEGISLATION.

MR. CHAIRMAN, I WANT TO THANK YOU AND THE COMMITTEE FOR YOUR WORK AND EFFORTS TO ADDRESS VERY SPECIFIC DEFICIENCIES IN OUR STATE POLICY REGARDING THE RIGHTS OF PUBLIC EMPLOYEES.

THROUGHOUT THE COMMITTEE'S HEARINGS ON SB 154, COMMUNITY AFTER COMMUNITY HAS EXPRESSED BOTH CONCERN FOR THE BASIC RIGHTS OF PUBLIC EMPLOYEES AND GUARANTEES OF THOSE RIGHTS AS WELL AS THE DESIRE TO RETAIN LOCAL CONTROLS AND OPTIONS OVER THE WAY LOCAL GOVERNMENTS DEAL WITH THEIR LABOR FORCE.

I WANT TO EXPRESS MY APPRECIATION TO THE COMMITTEE FOR THEIR PATIENCE AND FOR WHAT I FEEL IS CLARITY OF VISION IN ARRIVING AT SUBSTITUTE LANGUAGE WHICH CLEARLY DEFINES AND CODIFIES RIGHTS OF ALL PUBLIC EMPLOYEES, ALLOWS FOR MAXIMUM LOCAL CONTROL OVER EMPLOYEE RELATIONS AND MAINTAINS THE INTEGRITY OF THE ORDINANCES WHICH HAVE BEEN ADOPTED BY SOME COMMUNITIES WHICH OTHERS MIGHT MODEL.

ADDITIONALLY, THE ADDED ADVANTAGE OF THE ADOPTION OF THE PROPOSED COMMITTEE SUBSTITUTE IS THAT IT WOULD MOST LIKELY RESULT IN A ZERO FISCAL IMPACT TO THE STATE..

I HAVE REVIEWED THE THREE VERSIONS BEFORE THE COMMITTEE FOR POSSIBLE SUBSTITUTE AND WOULD SUGGEST THE ADOPTION OF VERSION # 1 BY THE COMMITTEE.

02010 TDA PETERSBURG AK 48 03-08 1015A AST

1993 MAR 8 PM 12 50

PMS SEN RICHARD ELIASON
JUNEAU 0514

WE SUPPORT THE PASSAGE OF SENATE BILL NBR 154 WHICH IF
ADOPTED WOULD BRING ALL PUBLIC EMPLOYEES UNDER THE PUBLIC
EMPLOYMENT RELATIONS ACT PASSAGE OF THIS BILL WILL ALLEVIATE
JOB STRESS AND POOR MORALE AND WILL ASSIST IN IMPROVING
EMPLOYEE CITY COUNCIL RELATIONS.

PETERSBURG MUNICIPAL EMPLOYEES ASSN
BOX 865
PETERSBURG AK 99833



City and Borough of Sitka

P.O. BOX 79 · SITKA, ALASKA · 99835

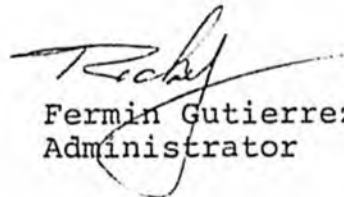
April 18, 1983

Senator Richard Eliason
Alaska State Legislature
Pouch V M/S 3100
Juneau, Alaska 99811

Dear Dick:

Be advised that the City and Borough of Sitka
assembly opposes C.S. for S.B. 154.

Sincerely,


Fermin Gutierrez
Administrator



NEA - ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

Jean Krause, President

JUNEAU OFFICE
147 S. FRANKLIN, #207
JUNEAU, ALASKA 99801
PHONE: (907) 586-3090

ANCHORAGE REGIONAL OFFICE
1411 WEST 33rd
ANCHORAGE, ALASKA 99503
PHONE: (907) 274-0536

FAIRBANKS REGIONAL OFFICE
825 COLLEGE ROAD
FAIRBANKS, ALASKA 99701
PHONE (907) 456-4435

Don Oberg
Past President
Box 1084
Kenai, Alaska 99611

March 24, 1983

Gayle Pierce
President Elect
SR Box 51377
Fairbanks, Alaska 99701

TO: Senators Eliason, Rodey, Mulcahy, and Sackett

Bill Potter
NEA State Director
177 Behrends Avenue
Juneau, Alaska 99801

FROM: Jean Krause, President

Bob McGregor
Region I Director
Box 1043
Sitka, Alaska 99835

RE: SB 154

MEMORANDUM OF SUPPORT

Noreen Cooke
Region I Director
9459 Berners
Juneau, Alaska 99801

NEA-Alaska supports SB 154 because we support the right of workers to organize and bargain collectively whether they are employees in the private or public sector.

Graham Ward
Region II Director
Box 23
Glennallen, Alaska 99588

One hundred years ago, in 1883, the question before the public was: Should workers in the private sector have the right to organize and bargain collectively? The arguments then were not unlike what we are hearing today:

Frank Parker
Region III Director
Box 2533
Kodiak, Alaska 99615

Corporate heads and their attorneys argued for the exclusive right to determine how they treated their employees and the right to determine their corporate affairs any way they wished;

Jean Robb
Region IV Director
Box 193
Kotzebue, Alaska 99752

and

Ray Virgin
Region IV Director
Russian Mission, Alaska 99657

Workers argued for a fair shake, for the right to a measure of self determination in their wages and benefits and working conditions.

Gayle Harbo
Region V Director
Box 80522
Fairbanks, Alaska 99701

In the 100 years that have elapsed private sector employees have gained the right to organize and bargain collectively. It took struggle, violence, bloodshed and loss of life to achieve that right and, on occasion, those same elements are present in the maintenance of that right. But, except for the South, the right of employees to organize and bargain collectively is not questioned in 1983.

Pat Abney
Region VI Director
Box 461 SRA
Anchorage, Alaska 99507

Lee Wilson
Region VI Director
8410 Pioneer Drive
Anchorage, Alaska 99504

Lori Sears
Region VI Director
SRA Box 381B
Anchorage, Alaska 99511

Today the question before us is whether public employees should have the right to bargain collectively. The opt out provision of Section 4 of Chapter 113, L. 1972 of the Public Employee Relations Act (PERA) allows municipalities to refuse to negotiate with their employees. We believe this is wrong. The paternalism practiced by municipalities in lieu of good faith bargaining is out of place in 20th Century America and an insult to working men and women.

Peg Slout
Region VI Director
6208 E 34th Avenue
Anchorage, Alaska 99504

Frank Holmes
Director at Large
Box 11J
Haines, Alaska 99827