



# LAWS OF ALASKA

1992

**Source**  
CSSB 16(L&C)

**Chapter No.**  
1

## AN ACT

Including public school employees in the Public Employment Relations Act as class (a)(3) employees entitled to a right to strike after advisory arbitration; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Veto Overridden:** March 25, 1992  
**Actual Effective Date:** March 26, 1992

AN ACT

1 Including public school employees in the Public Employment Relations Act as class (a)(3) employees  
2 entitled to a right to strike after advisory arbitration; and providing for an effective date.

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5 \* Section 1. AS 14.16.050(a) is amended to read:

6 (a) The following provisions apply with respect to the operation and management of the  
7 state boarding school as if it were a school district:

8 (1) requirements relating to school district operations:

9 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in session,  
10 and school holidays);

11 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions applicable to  
12 school district operations);

13 (C) regulations adopted by the board under authority of AS 14.07.020(a)  
14 that are applicable to school districts and their schools, unless the board specifically

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- 1 exempts the state boarding school from compliance with a regulation;
- 2 (D) AS 14.12.150 (authorizing school districts to establish and participate
- 3 in the services of a regional resource center);
- 4 (E) AS 14.14.050 (imposing the requirement of an annual audit);
- 5 (F) AS 14.14.110 (authorizing cooperation with other school districts);
- 6 (G) AS 14.14.130 (directing the employment of a chief school
- 7 administrator);
- 8 (H) AS 14.14.140(b) (establishing a prohibition on employment of a
- 9 relative of the chief school administrator);
- 10 (I) AS 14.18 (prohibiting discrimination based on sex in public education);
- 11 (2) requirements relating to state financial assistance for education and the receipt
- 12 and expenditure of that assistance:
- 13 (A) AS 14.17.080 (relating to student count estimates);
- 14 (B) AS 14.17.082 (relating to school operating fund balances);
- 15 (C) AS 14.17.160 - 14.17.220 (setting out the procedure for payment of
- 16 financial assistance, and imposing general requirements and limits on money paid);
- 17 (3) requirements relating to teacher employment and retirement:
- 18 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);
- 19 (B) AS 14.20.095 - 14.20.215 (relating to the employment and tenure of
- 20 teachers);
- 21 (C) AS 14.20.220 (relating to the salaries of teachers employed);
- 22 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave provisions for
- 23 teachers);
- 24 (E) ~~AS 23.40.070 - 23.40.260~~ [AS 14.20.550 - 14.20.610] (authorizing
- 25 collective bargaining [, NEGOTIATION, AND MEDIATION] by certificated employees),
- 26 except with regard to teachers who are administrators and except that the board may
- 27 delegate some or all of its responsibilities under those statutes;
- 28 (F) AS 14.25 (provisions regarding the teachers' retirement system);
- 29 (4) requirements relating to students and educational programs:
- 30 (A) AS 14.30.180 - 14.30.350 (relating to educational services for
- 31 exceptional children);

1 (B) AS 14.30.360 - 14.30.370 (establishing health education program  
2 standards);

3 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and bicultural  
4 education).

5 \* Sec. 2. AS 14.16.070 is amended to read:

6 Sec. 14.16.070. APPLICABILITY OF OTHER LAW. AS 23.40.070 - 23.40.260 (Public  
7 Employment Relations Act) apply to the employees of the state boarding school [WHO ARE  
8 NOT SUBJECT TO AS 14.20].

9 \* Sec. 3. AS 23.40.200(c) is amended to read:

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

24 \* Sec. 4. AS 23.40.200(d) is amended to read:

25 (d) The class in (a)(3) of this section includes all other public employees who are not  
26 included in the classes in (a)(1) or (a)(2) of this section. Employees in this class may engage  
27 in a strike if a majority of the employees in a collective bargaining unit vote by secret ballot to  
28 do so. However, if an impasse or deadlock is reached in collective bargaining negotiations  
29 between a municipal school district, a regional educational attendance area, or the state  
30 boarding school and its employees, the parties shall submit to advisory arbitration before  
31 the employees may engage in a strike. The arbitrator selected to conduct the advisory

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1 arbitration must be a member of the American Arbitration Association Panel of Labor  
2 Arbitrators or the Federal Mediation and Conciliation Service. In selecting the arbitrator,  
3 the parties shall request a list of arbitrators who have knowledge of and recent experience  
4 in the local conditions in the school district, regional educational attendance area, or state  
5 boarding school. A list containing at least five nominees who meet the qualifications of this  
6 subsection is a complete list for the purpose of striking names and selecting the arbitrator.

7 \* Sec. 5. AS 23.40.215 is amended by adding a new subsection to read:

8 (c) Notwithstanding (b) of this section, the monetary terms of an agreement entered into  
9 between a school district or regional educational attendance area and its employees are not  
10 subject to approval by the legislature.

11 \* Sec. 6. AS 23.40.250(6) is amended to read:

12 (6) "public employee" means any employee of a public employer, whether or not  
13 in the classified service of the public employer, except elected or appointed officials or  
14 superintendents of schools [TEACHERS OR NONCERTIFICATED EMPLOYEES OF  
15 SCHOOL DISTRICTS];

16 \* Sec. 7. AS 23.40.250(7) is amended to read:

17 (7) "public employer" means the state or a political subdivision of the state,  
18 including without limitation, a municipality [TOWN, CITY, BOROUGH], district, school  
19 district, regional educational attendance area, board of regents, public and quasi-public corpo-  
20 ration, housing authority, or other authority established by law, and a person designated by the  
21 public employer to act in its interest in dealing with public employees;

22 \* Sec. 8. AS 23.40.250 is amended by adding a new paragraph to read:

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

27 \* Sec. 9. Nothing in this Act terminates or modifies a collective bargaining unit, recognition of  
28 exclusive bargaining representative, or collective bargaining agreement if the unit, recognition, or  
29 agreement is in effect on the effective date of this Act.

30 \* Sec. 10. AS 14.20.550, 14.20.555, 14.20.560, 14.20.570, 14.20.580, 14.20.590, 14.20.600,  
31 14.20.610, and ch. 180, SLA 1990, are repealed.

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- 1 \* **Sec. 11.** Notwithstanding sec. 4, ch. 113, SLA 1972, a municipal school district or regional  
2 educational attendance area may not reject application of AS 23.40.070 - 23.40.260 to employment  
3 relations with public school employees.
- 4 \* **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).