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PERA

COMPARISON OF CITY CODE AND THE PUBLIC EMPLOYEES RELATIONS ACT

	SEWARD CITY CODE AND CHARTER	PERA (AS 23.40)
What authority governs the rules for union organizing, and resolving related disputes?	Seward City Council determines appropriate bargaining units based on desires of the employees and avoiding unnecessary fragmentation (3.65.025)	<p>The Alaska Labor Relations Board determines appropriate bargaining units, administers representation elections, and resolves unfair labor practice charges.</p> <p>The Alaska Labor Relations Agency consists of:</p> <ul style="list-style-type: none"> • Two management representatives • Two labor representatives • Two members of the general public <p>No more than three members can be from the same political party (AS 23.05.360)</p> <p>Appropriate bargaining unit is 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 fragmentation shall be avoided." (AS 23.40.090)</p>
Does the employee have an obligation to join a Union?	Employees can decide whether they want to be covered by the collective bargaining agreement or by city code (3.65.010)	<p>Right of Nonassociation (8 AAC 97.305-320)</p> <ul style="list-style-type: none"> • Escrow account (8 AAC 97.305) • Religious objectors (8 AAC 97.310) <ul style="list-style-type: none"> ○ Dues go to charitable organization • Fee Objectors (8 AAC 97.320) <ul style="list-style-type: none"> ○ Right to object to payment of amounts unrelated to collective bargaining or contract administration ○ Right to request financial statements reviewed by an auditor and list of chargeable/nonchargeable expenditures ○ Decision by impartial decisionmaker

<p>What happens after the parties negotiate the terms and conditions of employment under the Collective Bargaining Agreement? How is the contract approved? What must be or cannot be included in the Collective Bargaining Agreement?</p>	<p>City council approves the terms of the collective bargaining agreement (3.65.015)</p>	<p>Monetary terms are subject to legislative funding (AS 23.40.215)</p>
<p>Can Employees strike if contract negotiations are at an impasse?</p>	<p>No right to strike (3.60.035)</p>	<p>Items not subject to bargaining (AS 23.40.075)</p> <p>Classes of public employees (AS 23.40.200)</p> <ul style="list-style-type: none"> • (a)(1) - police, fire, jail, prison, correctional, and hospital employees <ul style="list-style-type: none"> ○ No right to strike, but right to binding interest arbitration • (a)(2) – public utility, snow removal, sanitation, educational institution employees other than employees of a school district, a regional educational attendance area, or a state boarding school <ul style="list-style-type: none"> ○ Limited right to strike after mediation if it does not threaten the health, safety, or welfare of the public • (a)(3) – all other public employees <ul style="list-style-type: none"> ○ May engage in right to strike if a majority of the employees in the bargaining unit vote by secret ballot to do so <p>Petition for strike determination (8 AAC 97.260)</p> <ul style="list-style-type: none"> • Process for determining if employees are (a)(1), (a)(2), or (a)(3)

<p>What is the policy behind labor negotiations? What are the rules that apply to organizing efforts?</p>	<p>Seward City Council may develop, adopt or modify its labor policy and procedures in an open and public manner, with the opportunity for input from Seward citizens and employees. (Charter 3.1)</p>	<p>Declaration of Policy:</p> <ol style="list-style-type: none"> 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 <p>(AS 23.40.070)</p>
	<p>Seward City Council may develop, adopt or modify its labor policy and procedures in an open and public manner, with the opportunity for input from Seward citizens and employees. (Charter 3.1)</p>	<p>Right of public employees to organize and engage in concerted activity (AS 23.40.080)</p> <p>Organizational activities (8 AAC 97.200)</p> <ul style="list-style-type: none"> • Union can only organize during lunch break, relief periods, or before or after work • Union must notify public employer that it is on employer's premises prior to conducting organizing activities
<p>How will an election to determine whether or not a Union will be the bargaining representative occur?</p>	<p>Seward City Council may develop, adopt or modify its labor policy and procedures including establishing procedures for a representation election, such as recently occurred with APEA. (Charter 3.1)</p>	<p>Representation election procedures (AS 23.40.100) (8 AAC 97.100)</p> <ul style="list-style-type: none"> • Petition for certification of Bargaining Representative (8 AAC 97.025) • Petition for decertification of bargaining representative (8 AAC 97.030) • Petition filed by public employer with good faith doubt about majority status of bargaining agent (8 AAC 97.040) • Investigation of whether bargaining unit is appropriate (8

		<p>AAC 97.060)</p> <ul style="list-style-type: none"> • Notice posting and opportunity for interested parties to intervene or file objections (8 AAC 97.070) • Intervention by other labor organization (8 AAC 97.080) • Rules for supervisory and confidential employees (8 AAC 97.070) • Voluntary recognition (8 AAC 97.110) • Form of ballots must include choice of no representative (8 AAC 97.150) • Voting eligibility (8 AAC 97.130) • Election procedures (8 AAC 97.140) • Challenged ballots (8 AAC 97.160) • Objections to elections (8 AAC 97.170) • Certification of election (8 AAC 97.180) • Runoff elections (8 AAC 97.190)
<p>Which positions will be included in the Union?</p>	<p>Seward City Council determines appropriate bargaining units. (3.65.025)</p>	<p>Unit clarification petition (8 AAC 97.050)</p> <ul style="list-style-type: none"> • Clarification or amendment to an existing bargaining unit based on changed circumstances, newly created positions, or some other reason
<p>What is an employee's or the Union's remedy or avenue for redress if there is a claim that the City is discriminating against an employee or not</p>	<p>The city cannot retaliate against someone for filing a grievance or testifying during the grievance procedure</p>	<p>Unfair labor practices (AS 23.40.110)</p> <ul style="list-style-type: none"> • Public employers cannot interfere with, restrain, or coerce employees in the exercise of their rights; discriminate, retaliate; or

<p>bargaining in good faith.</p>	<p>provided for in the city code. (3.40.060)</p>	<p>refuse to bargain in good faith</p> <ul style="list-style-type: none"> • Labor organizations cannot restrain or coerce employees in the exercise of their rights; cannot restrain or coerce public employers in the selection of the employer's representative for the purposes of collective bargaining or grievance adjustment; and cannot refuse to bargain in good faith
	<p>Seward City Council may develop, adopt or modify its labor policy and procedures in an open and public manner, with the opportunity for input from Seward citizens and employees. (Charter 3.1)</p>	<p>Unfair Labor Practice procedures (8 AAC 97-220-250)</p> <ul style="list-style-type: none"> • Rules for how to file a ULP (8 AAC 97.220-225) • Investigation by ALRA (8 AAC 97.230) <ul style="list-style-type: none"> ○ If agency finds probable cause to support the complaint, it will attempt to resolve through the use of conference, conciliation and persuasion • Notice of accusation (8 AAC 97.240) <ul style="list-style-type: none"> ○ If agency can't resolve informally, it will issue a notice ○ Relevant decisions of NLRB will be given great weight in determining what constitutes a ULP • Dismissal (8 AAC 97.245) <ul style="list-style-type: none"> ○ If agency does not find merit • Review of dismissal (8 AAC 97.250) <ul style="list-style-type: none"> ○ Process for appealing a dismissal
<p>What methods of dispute resolution are available if the parties are at impasse in negotiations?</p>	<p>Seward City Council may develop, adopt or modify labor policy and procedures, including a dispute resolution</p>	<p>Mediation (AS 23.40.190) (8 AAC 97.270)</p> <ul style="list-style-type: none"> • If parties reach impasse, possibility of appointment of mediator from FMCS

	<p>procedure in the event negotiations are at impasse. (Charter 3.1)</p>	
		<p>Advisory arbitration (8 AAC 97.280)</p> <ul style="list-style-type: none"> • Only applies to municipal school districts, regional educational attendance areas, or state boarding schools
<p>How will charges or complaints be resolved by the governing authority?</p>	<p>Seward City Council may develop, adopt or modify its labor policy and procedures, including establishing procedures for public hearings. (Charter 3.1)</p>	<p>Procedures for Hearings (8 AAC 97.330-480)</p>
<p>How are Collective Bargaining Agreements enforced?</p>	<p>The Seward City Council may negotiate and enter into collective bargaining agreements with labor organizations, such as exist presently with IBEW and APEA. (Charter 3.1)</p>	<p>Collective Bargaining Agreements (8 AAC 97.500-520)</p> <ul style="list-style-type: none"> • Filing contracts with ALRA (8 AAC 97.500) <ul style="list-style-type: none"> ○ Petition to enforce contract (8 AAC 97.510) ○ Must have exhausted grievance arbitration procedure