PAMPHLET NO. 900

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The Regulations are here: https://www.akleg.gov/basis/aac.asp

ALASKA STATUTES
TITLE 23. LABOR AND WORKERS' COMPENSATION
Chapter 05. Department of Labor
Article 5. Labor Relations Agency

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Sec. 23.05.360. Alaska Labor Relations Agency.

(a) There is established within the Department of Labor the Alaska labor relations agency. The agency is comprised of six members appointed by the governor and confirmed by the legislature. The term of office of a member is three years. Members serve staggered terms in accordance with AS 39.05.055. A vacancy in an unexpired term shall be filled by appointment by the governor for the remainder of the term. The agency must include two members with a background in management, two members with a background in labor, and two members from the general public. All members must have relevant experience in labor relations matters.

(b) Not more than three members of the agency may be members of the same political party.

(c) Members of the agency may be removed by the governor only for cause.

(d) Members of the agency receive no compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions.

(e) The governor shall designate a chair from the public members. The chair holds office at the pleasure of the governor.

(f) For purposes of holding hearings, the members of the board sit in panels of three members. The chair designates the panel that will consider a matter. Each panel must include a representative

of management, a representative of labor, and a representative from the general public. A member of one panel may serve on the other panel when the chair considers it necessary for the prompt administration of AS 23.40.070 - 23.40.260 (Public Employment Relations Act) or AS 42.40 (Alaska Railroad Corporation Act). (E.O. No. 77 § 2 (1990); am § § 1 -- 3 ch 43 SLA 1993)

Sec. 23.05.370. Powers, duties, and functions of Alaska labor relations agency.
(a) The agency shall

(1) establish its own rules of procedure;

(2) exercise general supervision and direct the activities of staff assigned to it by the department;

(3) prepare and submit to the governor an annual report on labor relations problems it has encountered during the previous year, including recommendations for legislative action; the agency shall notify the legislature that the report is available;

(4) serve as the labor relations agency under AS 23.40.070 - 23.40.260 (Public Employment Relations Act) and carry out the functions specified in that Act; and

(5) serve as the railroad labor relations agency for the Alaska Railroad under AS 42.40 (Alaska Railroad Corporation Act) and carry out the functions specified in that Act.

(b) Two members of a panel constitute a quorum for hearing cases. Action taken by a quorum of a panel in a case is considered the action of the full board. Four members constitute a quorum for the transaction of business other than hearing cases. (E.O. No. 77 § 2 (1990); am §§ 4, 5 ch 43 SLA 1993; am § 45 ch 21 SLA 1995)

Sec. 23.05.380. Regulations. The agency shall adopt regulations under AS 44.62 (Administrative Procedure Act) to carry out labor relations functions under AS 23.05.360 -- 23.05.390, AS

23.40.070 -- 23.40.260, and AS 42.40.730 -- 42.40.890. (E.O. No. 77 § 2 (1990))

Sec. 23.05.390. Definition. In AS 23.05.360 -- 23.05.390, "agency" means the Alaska labor relations agency established in AS 23.05.360. (E.O. No. 77 § 2 (1990))

ALASKA STATUTES
TITLE 23. LABOR AND WORKERS' COMPENSATION
Chapter 40. Labor Organizations
Article 2. Public Employment Relations Act
Section

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Editor's Note--Section 4, ch. 113, SLA 1972, provides: "This Act is applicable to organized boroughs and political subdivisions of the state, homerule or otherwise unless the legislative

body of the political subdivision, by ordinance or resolution, rejects having its provisions apply."

Sec. 23.40.020. Enforcement of certain contracts only if union registers. A labor contract executed in this state by a labor organization that has no local in this state or which contract is not to be executed by one or more of its locals in this state may not be enforced in the courts of this state unless the labor organization has registered with the department and complied with all regulations adopted by it.

Sec. 23.40.030. Definition of labor organization. For the purpose of AS 23.40.020--23.40.040 "labor organization" includes an organization constituted wholly or partly to bargain collectively or deal with employers, including the state and its political subdivisions, concerning grievances, terms, or conditions of employment or other mutual aid or protection in connection with employees.

Sec. 23.40.040. Collective bargaining agreement. The commissioner of transportation and public facilities or an authorized representative, in accordance with AS 23.40.020--23.40.030, may negotiate and enter into collective bargaining agreements concerning wages, hours, working conditions, and other employment benefits with the employees of the division of marine transportation engaged in operating the state ferry system as masters or members of the crews of vessels or their bargaining agent. A collective bargaining agreement is not final without the concurrence of the commissioner of transportation and public facilities. The commissioner of transportation and public facilities may make provision in the collective bargaining agreement for the settlement of labor disputes by arbitration.

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)

Sec. 23.40.075. Items not subject to bargaining. The parties may not negotiate terms contrary to the

(1) reemployment rights for injured state employees under AS 39.25.158;

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

(3) authority of the Department of Health under AS 47.27.035 to assign Alaska temporary assistance program participants to a work activity considered appropriate by the Department of Health; or

(4) authority for agencies to create temporary positions under AS 47.27.055(c); or

(5) provisions contained in a contract under AS 14.40.210(a)(4). (§ 1 ch 86 SLA 1988; am § 2 ch 77 SLA 1990; am § 10 ch 107 SLA 1996; Eff. 07/01/97; am § 2 ch 22 SLA 2004, Eff. 07/22/04)

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)

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)

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

(1) by an employee or group of employees or an organization acting in their behalf alleging that 30 percent 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) An election may not 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, a collective bargaining agreement may not 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)

Sec. 23.40.110. Unfair labor practices.

(a) A public employer or an agent of a public employer may not

(1) interfere with, restrain, or coerce an employee in the exercise of the employee's 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 the employee has signed or filed an affidavit, petition, or complaint or given testimony under AS 23.40.070 -- 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.

(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

(2) payment by the employee to the exclusive bargaining agent of a service fee to reimburse the exclusive

bargaining agent for the expense of representing the members of the bargaining unit.

(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 the employer's 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 -- 23.40.260 as the exclusive representative of employees in an appropriate unit. (§ 2 ch 113 SLA 1972)

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)

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 AS 44.62 (Administrative Procedure Act). (§ 2 ch 113 SLA 1972)

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 the person 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)

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)

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.

(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 the person to comply with the subpoena. (§ 2 ch 113 SLA 1972)

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)

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)

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 that 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 or 09.43.480 to the extent permitted by AS 09.43.010 and 09.43.300. (am § 5 ch 170 SLA 2004)

(c) The class in (a)(2) of this section is composed of public utility, snow removal, sanitation, and educational institution employees other than employees of a school district, a regional educational attendance area, or a state boarding school. 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 effect 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 or 09.43.480 to the extent permitted by AS 09.43.010 and 09.43.300. (am § 6 ch 170 SLA 2004; Eff. 01/01/05)

(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 (2) of this section. Subject to (g) 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 AS 09.43.010 -- 09.43.180 (Uniform Arbitration Act) or AS 09.43.300 – 09.43.595 (Revised Uniform Arbitration Act) to the extent permitted by AS 09.43.010 and 09.43.300 if either Act is incorporated into the agreement or contract by reference. (am § 7 ch 170 SLA 2004)

(g) Under the provisions of (d) of this section, if an impasse or deadlock is reached in collective bargaining negotiations between a municipal school district, a regional educational attendance area, or a state boarding school and its employees,

(1) the parties shall submit to advisory arbitration before the employees may vote to engage in a strike; the arbitrator shall

(A) be a member of the American Arbitration Association, Panel of Labor Arbitrators, or the Federal Mediation and Conciliation Service;

(B) have knowledge of and recent experience in the local conditions in the school district, regional educational attendance area, or state boarding school; and

(C) be determined from a list containing at least five nominees who meet the qualifications of this

subsection; this list shall be considered a complete list for the purpose of striking names and selecting the arbitrator;

(2) if, under (1) of this subsection, advisory arbitration fails, a strike may not begin until at least 72 hours after notice of the strike is given to the other party; in any event, a strike may not begin on or after the first day of the school term, as that term is described in AS 14.03.030, unless at least one day in session with students in attendance has passed after notice of the strike is given by the employees to the other party. (§ 2 ch 113 SLA 1972; am §§ 3, 4 ch 1 SLA 1992; am §§ 17, 18 ch 113 SLA 1997; am §§ 1, 2 ch 130 SLA 2003)

Sec. 23.40.205. Family leave. Notwithstanding any provision of AS 23.40.070 -- 23.40.260 to the contrary, an agreement between the employer subject to AS 23.10.500 -- 23.10.550 and an employee bargaining organization that does not contain benefit provisions at least as beneficial to the employee as those provided by AS 23.10.500 -- 23.10.550 shall be considered to contain the benefit provisions of those statutes. (§ 7 ch 96 SLA 1992)

Sec. 23.40.210. Agreement.

(a) 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.

(b) An employee is eligible for the cost-of-living differential under (a) of this section only if the individual is a state resident. The required presence of an employee at a work station where room and board are provided or reimbursed by the employer may not be considered to be physical presence in the state or physical absence from the state for purposes of determining eligibility for the cost-of-living differential.

(c) The commissioner of administration may adopt regulations under AS 44.62 (Administrative Procedure Act) to clarify and implement the criteria for establishing and maintaining eligibility for the cost-of-living differential.

(d) An agreement entered into under AS 23.40.070 -- 23.40.260 must require compliance with the eligibility criteria for receiving the cost-of-living differential contained in this section and the regulations adopted by the commissioner under (c) of this section.

(e) In this section, "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state under the requirements of AS 01.10.055 or, if the individual is not physically present in the state, intends to return to the state and remain permanently in the state under the requirements of AS 01.10.055 and is absent only temporarily for reasons allowed under AS 43.23.008 or a successor statute. (§ 2 ch 113 SLA 1972; am § 1 ch 62 SLA 1977; am § 7 ch 4 SLA 1996 FSSLA; am § 1 ch 44 SLA 1998)

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. Monetary terms subject to legislative funding.

(a) The monetary terms of any agreement entered into under AS 23.40.070 -- 23.40.260 are subject to funding through legislative appropriation.

(b) The Department of Administration shall submit the monetary terms of an agreement to the legislature within 10 legislative days after the agreement of the parties, if the legislature is in session, or within 10 legislative days after the convening of the next regular session. The complete monetary and nonmonetary terms of a tentative agreement shall be submitted to the legislature no later than the 60th day of the legislative session to receive legislative consideration during that calendar year. However, if the department has submitted a tentative agreement in a timely manner and the parties to the agreement decide to renegotiate the terms, the renegotiated agreement shall be considered to have been submitted in a timely manner. In this subsection, "tentative agreement" means an agreement that has been reached by the negotiators for the employer and the bargaining unit but that may not yet have been ratified by the members of the bargaining unit.

(c) Notwithstanding (b) of this section, the monetary terms of an agreement entered into between a school district or regional educational attendance area and its employees are not required to be submitted to the legislature. (§ 2 ch 113 SLA 1972; am § 1 ch 10 SLA 1984; am § 5 ch 1 SLA 1992; am § 1 ch 15 SLA 2000; am § 8 ch 22 SLA 2001)

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 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)

Sec. 23.40.230. Assistance by Department of Labor. [Repealed, E.O. No. 77 § 8 SLA 1990.]

Sec. 23.40.235. Public involvement in school district negotiations. Before beginning bargaining, the school board of a city or borough school district or a regional educational attendance area shall provide opportunities for public comment on the issues to be addressed in the collective bargaining process. Initial proposals, last-best-offer proposals, tentative agreements before ratification, and final agreements reached by the parties are public documents and are subject to inspection and copying under AS 09.25.110 -- 09.25.140. (am § 13 ch 31 SLA 1996)

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)

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 the employer's 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 Alaska labor relations agency established in AS 23.05.360;

(4) "monetary terms of an agreement" means the changes in the terms and conditions of employment resulting from an agreement that

(A) will require an appropriation for their implementation;

(B) will result in a change in state revenues or productive work hours for state employees; or

(C) address employee compensation, leave benefits, or health insurance benefits, whether or not an appropriation is required for implementation;

(5) "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;

(6) "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 superintendents of schools;

(7) "public employer" means the state or a political subdivision of the state, including without limitation, a municipality, district, school district, regional educational attendance area, 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;

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

(9) "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; am § 2 ch 10 SLA 1984; am E.O. No. 77 § 3 (1990); am §§ 6 - 8 ch 1 SLA 1992; am § 2 ch 15 SLA 2000)

Sec. 23.40.255. Applicability to political subdivisions, including school districts.

(a) AS 23.40.070--23.40.260 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 the provisions of AS 23.40.070--23.40.260 apply.

(b) Notwithstanding (a) of this section, a municipal school district or regional educational attendance area may not reject application of AS 23.40.070--23.40.260 to employment relations with public school employees.

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)

ALASKA STATUTES
TITLE 42. PUBLIC UTILITIES AND CARRIERS
Chapter 40. Alaska Railroad Corporation
Article 8. Personnel and Labor Relations
Section

705. Political activities
710. Corporation employees
720. Collective bargaining rights
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Sec. 42.40.705. Political activities.

(a) Money, assets, or property of the corporation may not be used for political activities. However, board members and employees may communicate with and appear before committees of Congress, the state legislature, and municipal governing bodies in connection with matters directly affecting the corporation.

(b) A board member or employee who violates the provisions of this section is personally subject to a civil penalty assessed by a judge of the superior court in an amount not to exceed $5,000. An

action to enforce this section may be brought by any person. (§ 2 ch 153 SLA 1984)

Sec. 42.40.710. Corporation employees.

(a) Employees of the Alaska Railroad are employees of the corporation and not of the state. However, employees of the corporation shall be treated as employees of the state for the purposes of AS 39.52. The provisions of AS 39, other than AS 39.52, do not apply to employees of the corporation.

(b) Except as provided in this subsection, employees of the corporation are covered by AS 23.10.050 - 23.10.150 (Alaska Wage and Hour Act). If the terms of a collective bargaining agreement that was mutually agreed upon by an organization representing train or engine service employees and the corporation so provide, AS 23.10.050 - 23.10.150 do not apply to train or engine service employees to the extent set out in the collective bargaining agreement. (§ 2 ch 153 SLA 1984; am § 4 ch 87 SLA 1986; am § 102 ch 74 SLA 1998; am § 1 ch 89 SLA 2001)

Sec. 42.40.720. Collective bargaining rights. The provisions of AS 23.40.070 - - 23.40.260 do not apply to the corporation or to its employees. However, employees who are not executive officers may organize and form, join, or assist an organization to engage in collective bargaining 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 153 SLA 1984)

Sec. 42.40.730. Railroad labor relations agency.

(a) The Alaska labor relations agency, established in AS 23.05.360, is the sole railroad labor relations agency.

(b) The Alaska labor relations agency shall carry out the provisions of AS 42.40.730 -- 42.40.890. (§ 2 ch 153 SLA 1984; am E.O. No. 77 § 4 (1990))

Sec. 42.40.740. Collective bargaining unit. The railroad labor relations agency shall decide in each case, in order to ensure

employees the fullest freedom in exercising the rights guaranteed by AS 42.40.710 -- 42.40.890 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 153 SLA 1984)

Sec. 42.40.750. Representatives and elections.

(a) The railroad labor relations agency shall investigate a petition if it is submitted in a manner prescribed by the railroad labor relations agency by

(1) an employee or group of employees or an organization acting in their behalf alleging that 30 percent 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 that has been certified or is currently being recognized by the corporation as bargaining representative is no longer the representative of the majority of employees in an appropriate unit; or

(2) the corporation 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 railroad labor relations agency has reasonable cause to believe that a question of representation exists, it shall provide for a hearing upon due notice. If the railroad 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 subsection prohibits the waiving of hearings by stipulation for the purpose of a consent election in conformity

with the regulations of the railroad labor relations agency or an election in a bargaining unit agreed upon by the parties.

(c) The railroad labor relations agency shall determine who is eligible to vote in an election held under this section and shall adopt regulations 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 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 railroad labor relations agency as exclusive representative of all the employees in the bargaining unit. 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 the corporation by mutual consent.

(e) An election may not be directed by the railroad 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, a collective bargaining agreement may not bar an election upon petition of employees in the bargaining unit if

(1) the petitioners are not parties to the agreements; and

(2) more than three years have elapsed since the execution of the agreement or its last timely renewal, whichever was later. (§ 2 ch 153 SLA 1984; am § 24 ch 23 SLA 1995)

Sec. 42.40.760. Unfair labor practices.

(a) The corporation or its agent may not

(1) interfere, restrain, or coerce an employee in the exercise of the rights guaranteed in AS 42.40.720;

(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 the employee has signed or filed an affidavit, petition or complaint or given testimony under AS 42.40.710 -- 42.40.890;

(5) refuse to bargain collectively in good faith with an organization that is the exclusive representative of employees in an appropriate unit, including the discussing of grievances with the exclusive representative.

(b) Nothing in AS 42.40.710 -- 42.40.890 prohibits the corporation from making an agreement with an organization to require as a condition of employment

(1) membership in the organization that 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

(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.

(c) An organization or its agents may not

(1) restrain or coerce

(A) an employee in the exercise of the rights guaranteed in AS 42.40.720; or

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

(2) refuse to bargain collectively in good faith with the corporation, if it has been designated in accordance with AS 42.40.710 -- 42.40.890 as the exclusive representative of employees in an appropriate unit. (§ 2 ch 153 SLA 1984)

Sec. 42.40.770. 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 42.40.760 or a written accusation that a person subject to AS 42.40.710 -- 42.40.890 has engaged in a prohibited practice, is filed with the railroad labor relations agency, it shall investigate the complaint or accusation. If it determines after a 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 153 SLA 1984)

Sec. 42.40.780. Complaint and accusation. If the railroad labor relations agency fails to eliminate the prohibited practice by conciliation and to obtain voluntary compliance with AS 42.40.710 -- 42.40.890 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 153 SLA 1984)

Sec. 42.40.790. Orders and decisions. If the railroad labor relations agency finds that a person named in the written complaint or accusation has engaged in a prohibited practice, the railroad labor relations agency shall issue and serve on the person an order or decision requiring the person to cease and desist from the prohibited practice and to take affirmative action that will carry out the provisions of AS 42.40.710 -- 42.40.890. If the railroad 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 railroad labor relations agency shall state its findings of fact and issue an order dismissing the complaint or accusation. (§ 2 ch 153 SLA 1984)

Sec. 42.40.800. Enforcement by injunction. The railroad 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 railroad labor relations agency. Upon showing by the railroad labor relations agency that the person has engaged or is about to engage in the practice, an injunction, restraining order, or other order that is appropriate may be granted by the court and shall be without bond. (§ 2 ch 153 SLA 1984)

Sec. 42.40.810. Power to investigate and compel testimony.

(a) For the purpose of the investigations, proceedings, or hearings that the railroad labor relations agency considers necessary to carry out AS 42.40.710 -- 42.40.890, the railroad labor relations agency may issue subpoenas requiring the attendance and testimony of witnesses and the production of relevant evidence.

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

(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 42.40.710 -- 42.40.890, the superior court in the district in which the person resides or is found may, upon application by the railroad labor relations agency, issue an order requiring the person to comply with the subpoena. (§ 2 ch 153 SLA 1984)

Sec. 42.40.820. Regulations. The railroad labor relations agency shall adopt regulations under the Administrative Procedure

Act (AS 44.62) to carry out AS 42.40.710 -- 42.40.890. (§ 2 ch 153 SLA 1984)

Sec. 42.40.830. Penalty for violation of order or decision. A person who violates a provision of an order or decision of the railroad labor relations agency is guilty of a misdemeanor and is punishable by a fine of not more than $500. (§ 2 ch 153 SLA 1984)

Sec. 42.40.840. Mediation.

(a) If, after a reasonable period of negotiation over the terms of a collective bargaining agreement, an impasse as determined by the railroad labor relations agency exists between the corporation and an organization, the railroad labor relations agency shall appoint a person mutually agreeable to the parties from a list of seven qualified mediators or arbitrators knowledgeable in railway labor agreements to act as mediator in the dispute.

(b) Before the determination of an impasse under this section, the parties may also select a mediator by mutual consent.

(c) It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but neither the mediator nor the railroad labor relations agency has any power of compulsion in mediation proceedings. (§ 2 ch 153 SLA 1984)

Sec. 42.40.850. Strikes.

(a) Following a decision by the mediator to end the mediation proceedings, employees of a collective bargaining unit may engage in a strike for a limited time if a majority of the employees in that collective bargaining unit vote by secret ballot to do so. The limit of the strike is determined by the interest of the health, safety, or welfare of the public.

(b) The corporation 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, or is about to threaten, the health, safety, or welfare of the public. A court, in deciding whether to enjoin the strike, shall consider the total equities in the particular case, including

the impact of a strike on the public and the extent to which an employee organization and the corporation have met their statutory obligations.

(c) If an impasse or deadlock still exists after issuance of an injunction, the parties shall submit the dispute to binding arbitration. The railroad labor relations agency shall appoint an arbitrator selected by the parties by mutual consent. If the parties are unable to agree on an arbitrator, the railroad labor relations agency shall appoint an arbitrator from a list of arbitrators knowledgeable in railroad labor agreements. The arbitrator shall fashion the award the arbitrator considers equitable.

(d) Notwithstanding (a) -- (c) of this section, an organization and the corporation may mutually agree to submit a dispute to binding arbitration at any time. (§ 2 ch 153 SLA 1984; am § 12 ch 43 SLA 1994)

Sec. 42.40.860. Agreements.

(a) The Department of Administration may participate in labor negotiations between the corporation and an organization. The corporation may seek advice of the Department of Administration before entering into a collective bargaining agreement concerning wages, hours, and other terms and conditions of employment. However, the final decision regarding collective bargaining agreements shall be made by the board.

(b) Upon the completion of negotiations between an organization and the corporation, if a settlement is reached, the corporation shall reduce it to writing in the form of an agreement. The agreement shall include a grievance procedure that 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 railroad labor relations agency.

(c) The parties to an agreement under this section may agree to terms that specify an expiration date for the agreement.

(d) Notwithstanding any provision of AS 42.40.710 -- 42.40.890 to the contrary, an agreement between the corporation and an employee bargaining organization that does not contain benefit provisions at least as beneficial to the employee as those provided by AS 23.10.500 -- 23.10.550 shall be considered to contain the benefit provisions of those statutes. (§ 2 ch 153 SLA 1984; am § 10 ch 96 SLA 1992)

Sec. 42.40.870. Organization dues and employee benefits, deduction and authorization. Upon written authorization of an employee within a bargaining unit, the corporation shall deduct from the payroll of the 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 153 SLA 1984)

Sec. 42.40.880. Exemption. Notwithstanding the provisions of AS 42.40.870, a collective bargaining settlement reached, or agreement entered into, under AS 42.40.860 that incorporates union security provisions, including 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 railroad labor relations agency, the agency shall declare the employee exempt from becoming a member of an organization. The employee shall pay an amount of money equivalent to regular organization dues, initiation fees, and assessments to the organization. Nonpayment of this money subjects the employee to the same penalty as if it were nonpayment of dues. The receiving organization shall contribute an equivalent amount of money to a charity of its choice not affiliated with a religious, labor, or employee organization. The organization shall submit to the railroad labor relations agency proof of contribution. (§ 2 ch 153 SLA 1984)

Sec. 42.40.885. Prohibited acts.

(a) The corporation or an employee may not directly or indirectly

(1) require or coerce an employee to participate in any way in any activity or undertaking unless the activity or undertaking is related to the performance of official duties;

(2) require or coerce an employee to make any report concerning an activity or undertaking of the employee unless the activity or undertaking is related to the performance of official duties;

(3) except as directly related to the performance of official duties, require or coerce an employee to submit to an interrogation, examination, or psychological test that is designed to elicit information concerning

(A) a personal relationship with a person connected with the employee by blood or marriage;

(B) the employee's religious beliefs or practices;

(C) sexual matters;

(D) the employee's political affiliation or philosophy;

(4) coerce an employee to invest or contribute earnings in any manner or for any purpose;

(5) restrict or attempt to restrict after-working-hour statements, pronouncements or other activities, not otherwise prohibited by law or personnel rule, of an employee, if the employee does not purport to speak or act in an official capacity.

(b) The provisions of (a) of this section do not diminish the authority of an authorized law enforcement agency to conduct criminal investigations of employees suspected of being involved in criminal activity or to investigate other activity directly related to official railroad business. (§ 2 ch 153 SLA 1984)

Sec. 42.40.890. Definitions. In AS 42.40.710 -- 42.40.890

(1) "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 42.40.710 -- 42.40.890;

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

(3) "railroad labor relations agency" means the Alaska labor relations agency established in AS 23.05.360. (§ 2 ch 153 SLA 1984; am E.O. No. 77 § 5 (1990))

PART 8. LABOR RELATIONS
Chapter 97. Collective Bargaining Among Public Employees.

Article

1. Certification (8 AAC 97.010 -- 8 AAC 97.210)
2. Unfair Labor Practices (8 AAC 97.220 -- 8 AAC 97.250)
3. Impasse (8 AAC 97.260 -- 8 AAC 97.280)
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Article 1. Certification

Section

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8 AAC 97.010. Filing requirements. To file a document with the labor relations agency, a party shall mail or deliver one copy of the document to the agency in person, by mail, by facsimile transmission, or by electronic mail. The date of filing is the date of receipt by the agency, except that if filed after business hours, the filing is recorded as received the next business day.

(Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162; am 5/20/2007, Register 182; am 9/28/2024, Register 251; am 11/8/2026, Register 260)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

Editor's note: Documents may be filed in person or by mail at the Alaska Labor Relations Agency at 3301 Eagle Street, Suite 206, Anchorage, AK 99503. Documents may be filed via fax at (907) 269-4898 or by e-mail to labor.relations@alaska.gov

8 AAC 97.015. Service.

(a) When a party files a document with the labor relations agency, that party shall serve a copy of that document on all parties involved or, if applicable, on a party's representative. The filing party may serve the document by mail, facsimile transmission, hand delivery, or electronic mail if the other parties have consented to electronic mail service.

(b) Proof of service must accompany any document filed with the labor relations agency. Proof must be by a written declaration of the names and addresses of the parties served and the date and manner of service. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.020. Filing and service by electronic transmission. Documents may be filed with the labor relations agency electronically, by facsimile transmission, or by electronic mail. Documents may be served on a party by facsimile transmission

or by electronic mail, if that party has consented to electronic mail service. The date of filing is the date that the agency received the facsimile transmission or electronic mail, except that if the filing is received after business hours, the filing is recorded as received the next business day. (Eff. 7/22/93, Register 127; am 9/28/2024, Register 251; am 11/8/2026, Register 260)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.025. Petition for certification of a public employee representative. (a) A petition for certification of public employee representative filed by a labor or employee organization must contain the following information:

(1) the name, title, address, electronic mail address, telephone and facsimile machine numbers of the public employer's contact person;

(2) a description of the bargaining unit claimed to be appropriate for purposes of exclusive representation by the petitioner that generally identifies the work locations and the classifications of employees to be included or excluded and the approximate number of employees in the unit;

(3) a statement that 30 percent of the employees in the proposed bargaining unit want to be represented by the petitioner for collective bargaining purposes;

(4) the name, address, telephone electronic mail address, facsimile machine numbers, and affiliation, if any, of the petitioner;

(5) a copy of the petitioner's constitution, bylaws, and current roster of officers and representatives;

(6) any other relevant facts;

(7) a declaration by the person signing the petition that its contents are true and correct to the best of that person's knowledge and belief; and

(8) the signature, title, electronic mail address, telephone and facsimile machine numbers of the petitioner's representative.

(b) In addition to the requirements of (a) of this section, if a petition for certification proposes to sever a bargaining unit from an existing bargaining unit, the petition must state

(1) why the employees in the proposed bargaining unit are not receiving adequate representation in the existing unit;

(2) whether the employees in the proposed bargaining unit are employed in jobs that have traditionally been represented in the same unit;

(3) why the employees in the proposed unit have a community of interest that is not identical with that of the employees in the existing unit;

(4) how long the employees in the proposed bargaining unit have been represented as part of the existing unit; and

(5) why the grant of the petition will not result in unnecessary fragmentation of the existing bargaining unit based on the factors contained in AS 23.40.090.

(c) A petition for certification must be accompanied by a showing of interest of not less than 30 percent of the employees in the proposed unit. The showing of interest must be documented by written or electronic authorization cards or forms that

(1) are signed and dated by the employees during the 120 days immediately preceding the filing of the petition and include the employees' job classifications and position control numbers where applicable; and

(2) authorize the petitioner to represent the employees for collective bargaining purposes.

(d) The labor relations agency will consider a petition substantially fulfilling the requirements of this section. (Eff. 7/22/93, Register 127; am 5/18/2002, Register 162; am 9/28/2024. Register 251; am 11/8/2026, Register 260)

Authority: AS 23.05.380 AS 23.40.090 AS 23.40.100 AS 23.40.170 AS 42.40.740 AS 42.40.750 AS 42.40.820

8 AAC 97.030. Petition for decertification of a public employee representative. (a) Except as provided in (d) of this section, a petition for decertification of a public employee representative certified by the labor relations agency or currently recognized by the public employer must contain the following information:

(1) a statement that 30 percent of the employees in the bargaining unit no longer wish the labor or employee organization certified by the labor relations agency or currently recognized by the public employer to represent them; and

(2) the same information required by 8 AAC 97.025(a) where applicable.

(b) A petition for decertification must be accompanied by a showing of interest of not less than 30 percent of the employees in the bargaining unit represented by the labor or employee organization proposed for decertification. The showing of interest must consist of written or electronic authorization cards or employee petitions, signed and dated by the employees during the 120 days immediately preceding the filing of the petition for decertification and containing the employees' job classifications and any position control numbers, and a statement requesting decertification of the current representative.

(c) The labor relations agency will consider a petition substantially fulfilling the requirements of this section.

(d) In addition to the requirements of (a) of this section, if a petition for decertification proposes to sever a bargaining unit from an existing bargaining unit, the petition must also satisfy the requirements of 8 AAC 97.025(b). A showing of interest is required only for members of the unit to be severed. (Eff. 7/22/93, Register 127; am 11/8/2026, Register 260)

Authority: AS 23.05.380 AS 23.40.090 AS 23.40.100 AS 23.40.170 AS 42.40.740 AS 42.40.750 AS 42.40.820

8 AAC 97.040. Petition for certification filed by a public employer.

(a) A petition for certification filed by a public employer under AS 23.40.100(a)(2) or AS 42.40.750(a) must contain the following information:

(1) the petitioner's name, address, and the approximate number of the petitioner's employees;

(2) a brief statement that one or more labor or employee organizations have presented to the petitioner a claim to be recognized as the representative of a majority of the employees in the bargaining unit, and that petitioner has a good faith doubt concerning the majority representative of the petitioner's employees;

(3) a description of the bargaining unit claimed to be appropriate for purposes of exclusive representation that generally identifies the work locations and the classifications of employees to be included or excluded and the approximate number of employees in the unit;

(4) the names, addresses, electronic mail address, telephone and facsimile machine numbers, and affiliations, if any, of the organizations or their contact persons making claims for recognition;

(5) any other relevant facts;

(6) a declaration by the person signing the petition that its contents are true and correct to the best of the person's knowledge and belief;

(7) the signature, title, electronic mail address, telephone and facsimile machine numbers of the petitioner's representative.

(b) The labor relations agency will consider a petition substantially fulfilling the requirements of this section. (Eff. 7/22/93, Register 127; am 9/28/2024. Register 251)

Authority: AS 23.05.380 AS 23.40.090 AS 23.40.100 AS 23.40.170 AS 42.40.740 AS 42.40.750 AS 42.40.820

8 AAC 97.050. Petition for clarification or amendment of certification of a unit.

(a) A public employer or a public employee representative may file a petition seeking

(1) clarification of an existing bargaining unit, where no question concerning representation exists, in order to resolve a question of unit composition raised by changed circumstances since certification; or

(2) amendment of certification to reflect changed circumstances, including a change in name, affiliation, site, or location.

(b) The petition for clarification or amendment must contain the following information:

(1) a description of the present bargaining unit and the date of certification or recognition;

(2) the proposed clarification or amendment of the unit;

(3) a statement by the petitioner identifying why clarification or amendment is needed and, for a petition seeking only unit clarification, a description of the job duties of the positions affected;

(4) the name, address, electronic mail address, telephone and facsimile machine numbers, and affiliation, if any, of the petitioner;

(5) the name, address, electronic mail address, telephone and facsimile machine numbers, and title, if known, of the public employer's contact person;

(6) a declaration by the person signing the petition that its contents are true and correct to the best of that person's knowledge and belief;

(7) the signature, title, electronic email address, address, and telephone and facsimile machine numbers of the petitioner's representative.

(c) The petitioner shall serve a copy of the petition for unit clarification on each affected public employee representative, public employer, and employee whose position is the subject of the petition, and shall provide proof of service as required in 8 AAC 97.015. The agency may authorize the petitioner to substitute posting a notice of the petition for service directly to the affected employees. The agency will require a copy of the petition or other document approved by the agency to be posted in the work areas of the affected employees if the agency determines that service alone was insufficient to put the affected employees on notice of the petition. The labor relations agency will investigate a petition for unit clarification that substantially fulfills the requirements of (b) of this section and will determine if there is reasonable cause to believe that a question of unit clarification exists. In conducting its investigation under this subsection, the agency may require the submission of documents or other information. Any party who

files documents with the agency shall serve the other parties and each affected employee with a copy of the documents. The agency will serve the parties with a copy of documents or other information filed by an affected employee. The agency will grant the parties and each affected employee an opportunity to respond to the information obtained by the agency during its investigation. After its investigation, the agency will issue its determination.

(d) The petitioner shall serve a copy of the petition for unit amendment on each affected public employee who is affected by the petition with a copy of the petition, or certify that all affected employees have been notified of the petition. The petitioner shall provide proof of service as required in 8 AAC 97.015. The agency will require a copy of the petition or other document approved by the agency to be posted in the work areas of the affected employees if the agency determines that service alone or the petitioner's notice to the affected employees was insufficient to put the affected employees on notice of the petition. The agency will consider a petition for unit amendment that substantially fulfills the requirements of (b) of this section and will determine if there is reasonable cause to believe that a question of unit amendment exists. If the agency finds such reasonable cause, the agency will require a notice of petition to be posted in the work areas of the affected employees. The notice must contain the following information:

(1) the name of the petitioner;

(2) a description of the proposed amendment;

(3) a statement that interested parties have 15 calendar days from the date of the posting of the notice to file an objection to the proposed amendment and request a hearing under 8 AAC 97.330 – 8 AAC 97.480;

(4) a statement that if no objection and request for a hearing is filed within the period specified in (3) of this subsection, the agency will issue the amendment of certification.

(e) A party may appeal the agency's determination in accordance with 8 AAC 97.470.

(f) The agency will not accept a petition for unit clarification if the petition

(1) is filed when a position is vacant; or

(2) is not accompanied by a completed copy of the Agency's

(A) *Questionnaire Regarding Supervisory Duties*, revised as of June 1, 2007, and adopted by reference, for a petition that relates to a position's supervisory duties;

(B) *Questionnaire Regarding Confidential Duties*, revised as of June 1, 2007, and adopted by reference, for a petition that relates to a position's confidential duties; or

(C) *General Questionnaire Regarding Duties*, revised as of June 1, 2007, and adopted by reference, for a petition other than one described in (A) or (B) of this paragraph. (Eff. 7/22/93, Register 127; am 5/18/2002, Register 162; am 5/20/2007, Register 182; am 7/12/2007, Register 183; am 9/28/2024, Register 251)

Authority: AS 23.05.380 AS 23.40.090 AS 23.40.100 AS 23.40.170 AS 42.40.740 AS 42.40.750 AS 42.40.820

8 AAC 97.060. Action on petition.

(a) The labor relations agency will investigate a petition that substantially fulfills the requirements of 8 AAC 97.025, 8 AAC 97.030, or 8 AAC 97.040 and will determine if there is

reasonable cause to believe that a question of representation exists, including whether the proposed bargaining unit appears to be appropriate for collective bargaining purposes.

(b) A public employer shall file with the labor relations agency an electronic, searchable, and alphabetical list of all employees in the proposed unit as of the last payroll period before the date the petition was filed, including job titles, classifications, and personal mailing addresses, no later than 10 days after notice by the agency of a petition related to a question of representation.

(c) The labor relations agency will investigate the employee petition or interest cards submitted by the petitioner and determine whether the petition is supported by 30 percent of the employees in the proposed bargaining unit. The agency's determination under this section is final, except as provided in 8 AAC 97.470.

(d) The employee petition or interest cards in support of a showing of interest are confidential records that may only be disclosed to the agency and are not part of the public record.

(e) The labor relations agency will dismiss a petition if

(1) the petitioner does not correct an insufficiency within six days after the agency provides notice that the required showing of interest is insufficient;

(2) the proposed bargaining unit appears to be an inappropriate unit for collective bargaining purposes;

(3) a collective bargaining agreement is in effect unless the petition is filed between 150 calendar days and 90 calendar days before the expiration date of the agreement; or

(4) an election has been held in the bargaining unit or a subdivision of the bargaining unit within one year preceding the date of filing of the petition.

(f) If, after an investigation the labor relations agency determines that there is reasonable cause to believe that a question of

representation exists and that the proposed bargaining unit appears to be appropriate for collective bargaining purposes, the labor relations agency will schedule a hearing on the petition under 8 AAC 97.330 -- 8 AAC 97.480. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162; am 9/28/2024, Register 251; am 11/8/2026, Register 260)

Authority: AS 23.05.380 AS 23.40.090 AS 23.40.100 AS 23.40.170 AS 42.40.740 AS 42.40.750 AS 42.40.820

8 AAC 97.070. Notice of petition.

(a) If a petition for certification or decertification is investigated under 8 AAC 97.060 and the labor relations agency finds reasonable cause to believe a question of representation exists, the labor relations agency will cause a notice of the petition to be posted in the work areas of the employees in the existing or proposed bargaining unit. The notice will contain the following information:

(1) the name of the petitioner;

(2) a description of the existing or proposed bargaining unit involved;

(3) a statement that interested parties have 15 calendar days from the date of the posting of the notice to file

(A) an objection to the appropriateness of the proposed bargaining unit;

(B) an objection to the conduct of an election;

(C) a petition to intervene under 8 AAC 97.080.

(b) If posting under (a) of this section occurs in multiple locations, the agency will consider the date of posting to be the date notice was posted in the last of the multiple locations. (Eff. 7/22/93, Register 127; am 5/20/2007, Register 182)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.080. Intervention.

(a) A labor or employee organization may intervene as a candidate for representative of a proposed bargaining unit if it files its own petition within 15 calendar days after the date the notice of the original petition is posted. An intervening petition must meet the requirements of 8 AAC 97.025(a), (b), and (c), except that a showing of interest by 10 percent of the employees is required.

(b) A labor or employee organization seeking to intervene for the purpose of representing a bargaining unit of employees different from that sought by the original petition, but that wishes to include some of the same employees in the unit proposed by the original petition, must file its own petition for certification that meets the requirements of 8 AAC 97.025, including the 30 percent showing of interest.

(c) An intervention petition will not be considered by the labor relations agency unless it is filed within the 15-calendar-day period established in 8 AAC 97.070. The labor relations agency will consider a petition that substantially fulfills the requirements of (a) and (b) of this section.

(d) A petition filed with the labor relations agency during the 15-calendar-day period established in 8 AAC 97.070 and that affects an employee covered by the original posted petition may be treated as an intervention.

(e) A petition to intervene is not required to be posted under 8 AAC 97.070.

(f) If all or part of a bargaining unit subject to a posted petition is already represented by a labor or employee organization, the current representative is an intervenor without the necessity of meeting the requirements of (a) - (c) of this section. (Eff. 7/22/93, Register 127; am 5/20/2007, Register 182)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.085. Additional ballot choices.

(a) A labor or employee organization wishing to be on an election ballot shall present the labor relations agency with a showing of interest from at least five percent of the employees in the bargaining unit in which the election will occur. The showing of interest must be documented by written authorization cards or forms that are signed and dated by the employees during the 120 days immediately preceding the filing of the written authorization cards or forms. The written authorization cards or forms must include each employee's job classification and position control number if applicable, and authorize the petitioner to represent the employees for collective bargaining purposes. The showing of interest must be provided to the labor relations agency no later than the date of the hearing on the petition or the date of a consent election agreement, if a consent election agreement is used. (Eff. 7/22/93, Register 127; am 5/18/2002, Register 162; am 5/20/2007, Register 182)

(b) A labor or employee organization that is to be listed on a ballot under (a) of this section is bound by any stipulation made or to be made between the public employer and a petitioner and intervenors. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820
AS 23.40.100 AS 42.40.750

8 AAC 97.090. General criteria for bargaining units.

(a) Except as provided in AS 23.40.240, at the state level a proposed bargaining unit is not an appropriate bargaining unit if it combines:

(1) supervisory personnel with nonsupervisory personnel; or

(2) confidential employees with other employees;

(b) As defined in 8 AAC 97.990 and as used in this section, the term "confidential employee" must be narrowly construed. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 42.40.740
AS 23.40.090 AS 42.40.820
AS 23.40.170

8 AAC 97.100. Consent elections.

(a) After a notice of petition has been posted for 15 calendar days, the public employer, the petitioner, and any other party who has objected or intervened under 8 AAC 97.070(3), may waive the labor relations agency hearing in 8 AAC 97.060(f) and 8 AAC 97.330 -- 8 AAC 97.480 and agree to a consent election. The waiver is subject to approval by the labor relations agency. The waiver must be in the form of a written stipulation that

(1) specifies the bargaining unit agreed upon by the parties;

(2) provides that a secret ballot election be conducted among the employees in the agreed-upon bargaining unit;

(3) identifies the eligibility period for participation in the election;

(4) specifies the dates, hours, and places of the election;

(5) identifies how the bargaining unit will be designated on the ballot; and

(6) other related election procedures.

(b) An election held under a stipulation will be conducted by the labor relations agency in accordance with requirements specified by the labor relations agency for that election.

(c) If the parties cannot decide the matters identified in (a)(3)-(5) of this section, the labor relations agency will decide the matters. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.110. Recognition by mutual consent. The public employer and a labor or employee organization may agree that the labor or employee organization is to be the representative of employees in an agreed-upon bargaining unit. Upon the request of the labor or employee organization, the labor relations agency will certify the organization if investigation by the labor relations agency verifies the majority status of the labor or employee organization and the appropriateness of the bargaining unit under AS 23.40.090 or AS 42.40.740. The labor relations agency will, in its discretion, verify majority status by

(1) reviewing the employee petition or interest cards for support of 50 percent of the employees, plus one additional employee, in the proposed bargaining unit;

(2) reviewing certifications of the results of a collective bargaining agreement ratification election from the labor or employee organization and from the public employer, so long as all members of the bargaining unit had the right to vote in the election; or

(3) other means determined by the labor relations agency and agreed to by the parties. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.120. Notice of election. Notice of an election will be furnished by the labor relations agency to the public employer for posting in the work areas of the employees in the bargaining unit. The notice must be posted for at least 14 calendar days before the date of the election. The notice must contain the following information:

(1) the details and the procedures for the election;

(2) the appropriate bargaining unit;

(3) the eligibility period;

(4) the dates, hours and places of the election; and

(5) a sample ballot. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.130. Voting eligibility and voting roster.

(a) A public employer shall submit an electronic, searchable, and alphabetical roster of employees eligible to vote to the labor relations agency and to the candidates for representation at least 14 calendar days before the date set for the election, or at least 14 calendar days before the delivery of ballots to voters in a mail ballot or electronic ballot election. The roster must contain the names of eligible employees in alphabetical order and their job titles, classifications, electronic mail address, and personal mailing addresses.

(b) To be eligible to vote an employee must be listed on the employment roster of the public employer

(1) four weeks before the date of the election, or in the case of a mail ballot election, four weeks before the date set for mailing ballots to voters; and

(2) on the date of the election, or in the case of a mail ballot election, on the date the ballots are counted. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 9/28/2024, Register 251)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.140. Election procedures.

(a) The labor relations agency may conduct a secret ballot election manually, by mail ballot, by electronic ballot, or by a combination of manual and mail ballot.

(b) A party may be represented at the polling places by observers. The exact number of observers per polling place will be established by the labor relations agency. A representative of the labor relations agency will also be at each polling place. (Eff. 7/22/93, Register 127; am 9/28/2024, Register 251)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.150. Form of ballots. A ballot must contain, in addition to the choice of possible representatives, a place where the choice of "no bargaining representative" may be indicated. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.160. Challenged ballots.

(a) A party or a representative of the labor relations agency may challenge, for good cause, the eligibility of a person to participate in an election or the validity of a ballot cast. Challenged ballots will be impounded by the labor relations agency and tallied separately from unchallenged ballots.

(b) If the number of challenged ballots could not affect the outcome of the election, the ballots will not be counted and may not constitute a basis for objection to the conduct of the election.

(c) If the number of challenged ballots could affect the outcome of the election, the labor relations agency will consider, through investigation, hearing or other proceedings, the challenges to these ballots and will rule promptly upon the validity of the challenges. If a challenge is found valid, the labor relations agency will not open or tally the ballots subject to that challenge. If a challenge is found invalid, the labor relations agency will count the ballots subject to that challenge and segregate them in a manner that will maintain the confidentiality of the votes, where possible, and preserve the challenge for subsequent appeal.

(d) A party may withdraw a challenge to a ballot after the other ballots are tallied only with the consent of the other parties and the approval of the election supervisor. The election supervisor shall base that approval on the criteria set out in the *National Labor Relations Board Casehandling Manual (Part Two) Representation Proceedings.* The *National Labor Relations Board Casehandling Manual (Part Two) Representation Proceedings*, as revised in August 1999, is adopted by reference. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

Editor's note: Copies of the applicable National Labor Relations Board Casehandling Manual (Part Two) Representation Proceedings as revised in August 1999 are available for inspection at the Alaska Labor Relations Agency office in Anchorage. Copies may be purchased from the Superintendent of Documents, United States Government Printing Office, Mail Stop: SSOP, Washington, DC 20402-9328.

8 AAC 97.170. Objections concerning elections.

(a) Within five calendar days after the labor relations agency furnishes the tally of ballots to the parties, a party may file an objection to the manner in which the election was conducted or to conduct affecting the results of the election. Within five calendar days after filing an objection, the objecting party shall submit a statement of material facts and issues and a summary of material evidence. Copies of documents filed under this subsection must be served according to the requirements of 8 AAC 97.015.

(b) Within 14 calendar days after receipt of a statement of material facts and issues and a summary of material evidence, the election supervisor will investigate an objection and will issue a report on the objection and a proposed order, which recommend certifying the existing election, holding a new election, or other action to assure compliance with AS 23.40.100, AS 42.40.750, and this chapter. The agency chair will, in the chair's discretion, extend the period for issuing the report up to 21 additional days, if the election supervisor

(1) serves a written request for extension upon each party; and

(2) makes a showing of good cause for the extension.

(c) Within 10 calendar days after service of the election supervisor's report and proposed order, a party may withdraw an objection or may appeal from the proposed report and order to the agency. If a party appeals, the matter shall be set for hearing before the agency under 8 AAC 97.330 -- 8 AAC 97.480. After the hearing the agency will, in its discretion, certify the existing election, issue corrective orders, order a new election, or order other action to assure compliance with AS 23.40.100, AS 42.40.750, and this chapter.

(d) If no party withdraws its objection or appeals to the agency under subsection (c), the agency will, in its discretion, adopt the election supervisor's proposed order or require other action to assure compliance with AS 23.40.100, AS 42.40.750, and this chapter. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.180. Certification of election results. If no objections are filed within five calendar days after the tally of ballots has been furnished, and if no runoff election is to be held, the labor relations agency will issue a certification of the results of the election, including certification of the representative, if appropriate. The certification will include a description of the bargaining unit. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.190. Runoff election.

(a) The labor relations agency will conduct a runoff election if an election in which the ballot provides for not less than three choices results in no choice receiving a majority of the valid ballots cast, and all objections filed have been disposed of.

(b) Employees who are eligible to vote in the original election and who are still employed in the bargaining unit as of the date of the runoff election are eligible to vote in the runoff election. For mail ballot or electronic ballot runoff elections, employees are eligible to vote if they were eligible to vote in the original election and they are still employed in the bargaining unit on the date the mail ballots or electronic ballots are counted in the runoff election.

(c) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes in the original election.

(d) If there are objections to the conduct of the runoff election, the objections will be processed in accordance with 8 AAC 97.170.

(e) The labor relations agency will issue a certification of the results of the runoff election, including certification of a representative, if appropriate. (Eff. 7/22/93, Register 127; am 5/20/2007, Register 182; am 9/28/2024, Register 251)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.200. Organizational activities. A labor or employee organization may organize employees only during the employees' lunch break, relief period, or before or after the employees' working hours. A labor or employee organization shall notify a public employer that it is on the public employer's premises before conducting organizing activities. A labor or employee organization that fulfills the requirements of this section may not be denied the right to conduct organizational activity by the public employer. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380
AS 23.40.170
AS 42.40.820

8 AAC 97.210. Commencement of bargaining. The obligation to bargain is effective upon a demand by a labor organization or employee association after the labor relations agency furnishes a tally of ballots showing that a majority of the votes were cast in favor of representation by the labor organization or employee association. The election supervisor may delay the start of the obligation if the party seeking the delay

(1) has filed an objection under 8 AAC 97.170; and

(2) shows a high probability of success on the merits of the objection. (Eff. 4/14/95, Register 134)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.760
AS 23.40.100 AS 42.40.750 AS 42.40.820
AS 23.40.110

Article 2. Unfair Labor Practices

Section

220. Commencement of an unfair labor practice proceeding
225. Complaints or accusations by employees
230. Investigation and informal resolution
240. Notice of accusation
245. Dismissal of charge
250. Review of dismissal

8 AAC 97.220. Commencement of an unfair labor practice proceeding.

(a) An unfair labor practice proceeding is commenced by filing a complaint or accusation.

(b) A complaint or accusation must contain:

(1) the name, address, electronic mail address, telephone and facsimile machine numbers of the respondent against whom the complaint or accusation is made;

(2) a plain and concise description of the alleged violation including the date or dates of the alleged violation and, if possible, the name, address, electronic mail address, telephone and facsimile machine numbers of each person who is alleged to have committed the violation;

(3) the name, affiliation, address, electronic mail address, telephone and facsimile machine numbers of the party filing the complaint or accusation, and a statement of the capacity in which that party is acting;

(4) the statute or regulation that the respondent is alleged to have violated;

(5) a sworn statement by the party or representative of the party, signing the complaint or accusation that to the best of that person's information and belief the statements in the complaint or accusation are true.

(c) A complaint or accusation must be filed with the labor relations agency in accordance with 8 AAC 97.010 and served in accordance with 8 AAC 97.015 on

(1) the respondent; and

(2) if the state or an agency or officer of the state is the respondent, the attorney general and the commissioner of administration. (Eff. 7/22/93, Register 127; am 5/20/2007, Register 182; am 9/28/2024, Register 251; am 11/8/2026, Register 260)

Authority: AS 23.05.380 AS 23.40.120 AS 23.40.130 AS 23.40.170 AS 42.40.770 AS 42.40.780 AS 42.40.820

8 AAC 97.225. Complaints or accusations by employees.

(a) Before a represented employee may file a complaint or accusation against a labor organization or employee association under this chapter, the employee must exhaust all remedies available through the internal review procedures of the labor organization or association.

(b) Before a represented employee may file a complaint or accusation against an employer under this chapter, the employee must

(1) meet the requirements of (a) of this section; and

(2) prove under AS 23.40.110(c) or AS 42.40.760(c) that the labor organization or employee association committed an unfair labor practice.

(c) In this section, "represented employee" means

(1) a public employee in a bargaining unit;

(2) a former public employee who alleges that the labor organization or employee association committed an unfair labor practice during the time the employee was in the bargaining

unit. (Eff. 4/14/95, Register 134; am 5/20/2007, Register 182)

Authority: AS 23.05.380 AS 42.40.760
AS 23.40.110 AS 42.40.820
AS 23.40.170

8 AAC 97.230. Investigation and informal resolution.

(a) The labor relations agency will investigate the facts and circumstances surrounding a complaint or accusation filed under 8 AAC 97.220, including whether grievance arbitration procedures as required under AS 23.40.210 and AS 42.40.860, if applicable, have been exhausted. The complainant's failure to provide information within the time frames specified by the agency during the investigation may result in the dismissal of the complaint or accusation. (Eff. 7/22/93, Register 127; am 5/18/2002, Register 162)

(b) If the agency makes a preliminary finding that probable cause exists to support the complaint or accusation, the agency will attempt to resolve the dispute through the use of conference, conciliation, and persuasion. Unless the parties agree to a longer period, the agency will spend no more than 21 days attempting to achieve informal resolution. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.210 AS 42.40.820
AS 23.40.120 AS 42.40.770 AS 42.40.860
AS 23.40.170

8 AAC 97.240. Notice of accusation.

(a) If the complaint or accusation has not been resolved after investigation and informal resolution under 8 AAC 97.230, the labor relations agency will issue a notice of accusation that includes a formal finding that probable cause exists and proceed with a hearing in accordance with AS 23.40.130 or AS 42.40.780.

(b) Relevant decisions of the National Labor Relations Board will be given great weight in determining what constitutes an unfair labor practice under AS 23.40.110 and AS 42.40.760. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.130 AS 42.40.770
AS 23.40.110 AS 23.40.170 AS 42.40.780
AS 23.40.120 AS 42.40.760 AS 42.40.820

8 AAC 97.245. Dismissal of charge. If, after investigation and informal resolution, the labor relations agency determines that probable cause does not exist to support the complaint or accusation, the agency will dismiss the complaint or accusation in whole or part. The agency will issue a written notice of dismissal stating the reason for the dismissal and serve a copy of the notice on the complaining or accusing party and the respondent. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 42.40.770
AS 23.40.120 AS 42.40.820
AS 23.40.170

8 AAC 97.250. Review of dismissal.

(a) Within 10 days of the date of service of dismissal of an unfair labor practice complaint or accusation, the complaining or accusing party may file an appeal of the dismissal with the labor relations board. Proof of service on the respondent is required in accordance with 8 AAC 97.015.

(b) The appeal must state the reasons supporting reinstatement of the complaint or accusation. If the complaint or accusation was dismissed for lack of evidence, the complaining or accusing party may provide additional evidence and an explanation why the evidence was not previously presented during the investigation. If the complaint or accusation was dismissed for failure to state facts that if proven would be an unfair labor practice, the complaining or accusing party may provide additional legal argument in support of its position that the complaint or accusation states an unfair labor practice.

(c) After reviewing the appeal the agency will either affirm the dismissal, remand the case for further investigation, or issue of a notice of accusation under 8 AAC 97.240. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.120 AS 23.40.130 AS 23.40.170 AS 42.40.770 AS 42.40.780 AS 42.40.820

Article 3. Impasse

Section

260. Petition for strike class determination
270. Mediation
280. Advisory arbitration
300. Strike vote (Repealed)

8 AAC 97.260. Petition for strike class determination.

(a) A public employer or public employee representative may file a petition with the labor relations agency seeking agency determination of the strike classification under AS 23.40.200 of members of a bargaining unit.

(b) The petition for strike class determination must contain the following information:

(1) the name or description of the bargaining unit;

(2) the date of certification or recognition of the bargaining representative;

(3) the expiration date of the collective bargaining agreement;

(4) the name of the bargaining unit members for whom classification under AS 23.40.200 is petitioned and the proposed classification;

(5) name, address, electronic mail address, telephone and facsimile machine numbers, and affiliation, if any, of the petitioner;

(6) a declaration by the person signing the petition that its contents are true and correct to the best of that person's knowledge and belief;

(7) the signature, title, electronic mail address, and telephone and facsimile machine numbers of the petitioner's representative.

(c) The petitioner shall serve a copy of the petition on the public employer or employee representative and on any employee whose position is the subject of the petition. Proof of service is required in accordance with 8 AAC 97.015.

(d) Fifteen days after service of the petition, the public employer, employee representative, or an employee whose position is the subject of the petition may file an objection to the petition and request a hearing under 8 AAC 97.330 -- 8 AAC 97.480. (Eff. 7/22/93, Register 127; am 9/28/2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 23.40.200

8 AAC 97.270. Mediation.

(a) If the labor relations agency determines that negotiations between the railroad corporation and employee representative have reached an impasse, the agency will appoint a mediator in accordance with AS 42.40.840. The mediator shall end the mediation if the mediator determines that an impasse exists after attempting mediation. The mediator's decision to end mediation must be delivered in writing to the parties and the labor relations agency.

(b) If, in accordance with AS 23.40.190, the labor relations agency finds that negotiations between a public employer and an employee representative have reached an impasse, the agency may request a mediator appointed by the Federal Mediation and Conciliation Service.

Authority: AS 23.05.380 AS 42.40.820 AS 42.40.850
AS 23.40.170 AS 42.40.840
AS 23.40.190

8 AAC 97.280. Advisory arbitration.

(a) Upon a finding of impasse by the labor relations agency or a stipulation of impasse between a public employer and the employee representative of a municipal school district, regional educational attendance area or state boarding school employees subject to advisory arbitration under AS 23.40.200, the labor relations agency will order the parties to advisory arbitration. If the parties are unable to agree on the selection of an arbitrator within ten days of the issuance of the agency's order to arbitrate, the agency will refer the parties to an advisory arbitrator. The parties will present their positions to the arbitrator at a time mutually agreed to or, if no agreement is reached, at a time determined by the arbitrator. The parties may submit to the arbitrator reports of proceedings to date, any mediation reports, and any other relevant materials. The advisory arbitrator shall review the issues and make a report, including any recommendations. The advisory arbitrator shall serve the report upon the parties and upon the agency in accordance with 8 AAC 97.015. The report of the advisory arbitrator is not binding.

(b) The parties shall undertake negotiations following receipt of the advisory arbitrator report or 90 days from the appointment of the arbitrator, whichever occurs first. The parties shall bear the costs of the advisory arbitration as directed by the arbitrator. Unless the parties agree otherwise, the requirement for advisory arbitration is met if the parties have not resolved the dispute 30 days following service of the report of the advisory arbitrator or 90 days following the appointment of the arbitrator, whichever occurs first.

(c) After a mutually recognized impasse following advisory arbitration or upon meeting the advisory arbitration requirement in (b) of this section, a municipal school district, regional educational attendance area, or state boarding school may implement its last, best offer, and the employees may engage in a strike if a majority of the employees in a collective bargaining unit have voted by secret ballot to do so. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162)

Authority: AS 23.05.380 AS 23.40.170
AS 23.40.110 AS 23.40.200

8 AAC 97.300. Strike vote. Repealed. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; repealed 5/18/2002, Register 162)

Article 4. Right of Nonassociation

Section

305. Escrow account for disputed service fees
310. Religious exemption from association
320. Service fee objections

8 AAC 97.305. Escrow account for disputed service fees. Repealed (Eff. 4/14/95, Register 134; repealed 11/8/2026, Register 260)

Authority: AS 23.05.380 AS 42.40.820
AS 23.40.170 AS 42.40.880
AS 23.40.225

8 AAC 97.310. Religious exemption from association. Repealed (Eff. 4/14/95, Register 134, am 9/28/2024, Register 251; repealed 11/8/2026, Register 260)

Authority: AS 23.05.380 AS 42.40.820
AS 23.40.170 AS 42.40.880
AS 23.40.225

8 AAC 97.320. Service fee objections. Repealed (Eff. 4/14/95, Register 134; repealed 11/8/2026, Register 260)

Authority: AS 23.05.380 AS 42.40.760
AS 23.40.110 AS 42.40.820
AS 23.40.170

Article 5. Procedure for Hearings

Section

330. Notice of hearing
340. Unfair labor practice hearing
350. Procedures for other hearings
355. Practice before agency
360. Prehearing conference
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8 AAC 97.330. Notice of hearing. The labor relations agency will give notice of a hearing to the petitioner, respondent, and any intervenors at least 10 calendar days before the hearing. The notice must state the

(1) date, time, place, and nature of the hearing;

(2) bargaining unit or units involved;

(3) name of each party. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 42.40.750
AS 23.40.100 AS 42.40.820
AS 23.40.170

8 AAC 97.340. Unfair labor practice hearing. As required by AS 23.40.130 and AS 42.40.780, a hearing on an unfair labor

practice complaint or accusation will comply with the administrative adjudication provisions of AS 44.62.330 -- 44.62.630 (Administrative Procedure Act). All other hearings will be conducted in accordance with 8 AAC 97.350 -- 8 AAC 97.480. ((Eff. 7/22/93, Register 127; am 5/18/2002, Register 162)

Authority: AS 23.05.380 AS 42.40.780
AS 23.40.130 AS 42.40.820
AS 23.40.170

8 AAC 97.350. Procedures for other hearings.

(a)Only a petitioner, complainant, respondent, party who has filed an objection under 8 AAC 97.070, or a party who has intervened under 8 AAC 97.080 has the right to present evidence and call witnesses to testify under oath at a hearing conducted under 8 AAC 97.350 -- 8 AAC 97.480.

(b) The labor relations agency will, in its discretion, require the filing of written briefs.

(c) All relevant and material evidence is admissible at a hearing.

(d) The labor relations agency will, in its discretion, require any person it considers appropriate to appear and testify at a hearing and to produce evidence.

(e) Upon the application of a party who has the right to present evidence and call witnesses at a hearing, the labor relations agency will issue a subpoena requiring the attendance and testimony of witnesses and the production of evidence. An application for a subpoena must be in writing and state the name of the witness or evidence with enough particularity to allow the witness or evidence to be identified. Service of the subpoena is to be arranged by the party.

(f) In a hearing, the petitioner, complainant, or intervenor bears the burden of proving the truth of each element necessary to that party's cause by a preponderance of the evidence.

(g) The agency will determine the time and place of a hearing. (Eff. 7/22/93, Register 127; am 5/18/2002, Register 162)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.810
AS 23.40.100 AS 42.40.750 AS 42.40.820
AS 23.40.160

8 AAC 97.355. Practice before agency.

(a) In proceedings before the labor relations agency, a party may represent oneself or choose a person to represent the party. The party shall provide notice of representation to the agency and other parties. A representative need not be a licensed attorney.

(b) An individual may not be a representative and a witness in the same proceeding.

(c) A party naming as a witness an opposing representative must make a showing of necessity. If the agency determines that necessity exists, the opposing representative shall stop serving as a representative.

(d) A party representing oneself is not subject to (b) of this section. (Eff. 4/14/95, Register 134)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.360. Prehearing conference.

(a) The labor relations agency will, in its discretion and upon reasonable notice, require the parties to attend a prehearing conference for the purpose of clarifying and simplifying the issues involved in a contested case. At a prehearing conference, the agency will, in its discretion, require the parties to disclose the evidence on which they intend to rely, the witnesses they intend to present, and the purpose for which the witnesses are to be presented.

(b) After a prehearing conference has concluded, the agency will, in its discretion, issue an order specifying the issues that will be considered and procedures that will be followed at the hearing. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820
AS 23.40.100 AS 42.40.750

8 AAC 97.370. Hearing officer. A hearing officer shall preside over a contested case. The agency will, in its discretion, appoint a hearing officer to hear the case alone and prepare a proposed decision or will hear the case with the hearing officer. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820
AS 23.40.100 AS 42.40.750

8 AAC 97.375. Panel assignment. A party may seek to disqualify an agency member from hearing a case by filing a request for disqualification as set out in AS 44.62.450 no later than 15 days after service of notice of the panel assignment. The agency will issue a determination of the request as set out in AS 44.62.450. (Eff. 4/14/95, Register 134)

Authority: AS 23.05.360 AS 23.40.170
AS 23.05.380 AS 42.40.820

8 AAC 97.380. Consolidation and severance. The labor relations agency will, in its discretion, consolidate or sever cases. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380
AS 23.40.170
AS 42.40.820

8 AAC 97.390. Motions.

(a) A motion must be in writing or given orally on the record at a hearing and must state the grounds for the motion and the relief or order sought. A written motion must comply with 8 AAC 97.010 and 8 AAC 97.015.

(b) A motion to extend time must be accompanied by a statement that the party filing the motion discussed or attempted to

discuss the extension with the other parties and must indicate whether the extension is opposed.

(c) To be considered, a response to a motion must be filed with the labor relations agency within 10 days after service of the motion. The response must be served as provided in 8 AAC 97.010 and 8 AAC 97.015. A party may respond during a hearing to a motion filed within 10 days of the hearing, unless the agency orders otherwise.

(d) Hearing oral argument or accepting a reply to a response to a motion is in the discretion of the labor relations agency. (Eff. 7/22/93, Register 127; am 5/20/2007, Register 182)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.400. Electronic participation.

(a) The labor relations agency may allow the hearing officer, a party, a witness, a representative, or an agency member to participate in a hearing electronically or through other digital or electronic telecommunication method if the electronic participation does not result in substantial prejudice to opposing parties. A party or representative may be physically present at the same site as the witness whether or not electronic participation is used.

(b) A hearing participant shall file a request to participate electronically by telephone or through other digital or electronic telecommunication method no later than the hearing witness list due date. The requesting party shall serve a copy of the request in accordance with 8 AAC 97.015. The requesting party shall contact the labor relations agency to arrange the electronic participation by telephone or through other digital or electronic telecommunication method.

(c) Upon convening a hearing by telephone or through other digital or electronic telecommunication method, the hearing officer shall

(1) recite the date, time, case name, case number, names and locations of parties and representatives, and the type of hearing to be held;

(2) make sure that statements made by participants are audible to all participants;

(3) instruct the participants on how the hearing will be conducted, including the requirement that, in order to preserve the record, speakers must identify themselves each time they speak. (Eff. 7/22/93, Register 127; am 9/28/2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.410. Record of hearing. Unless an objection is made that is sustained by the agency, all documents filed with the labor relations agency, including petitions, complaints, accusations, defenses, motions, responses, and orders, are part of the hearing record without the need to be formally introduced into the record. The record of a hearing includes any evidence admitted into the record at the hearing. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.420. Hearing conduct. The hearing officer will take any action necessary to assure the fair and orderly conduct of a hearing, including excluding a person from the hearing room and from any further proceedings in a case for disruptive behavior or willful disobedience of the hearing officer. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.430. Closing argument. At the close of a hearing, a party may request or the labor relations agency will, in its discretion, require the parties to argue orally, to file briefs, or to file proposed findings of fact and conclusions of law. The agency will set the time for oral argument, filing of briefs, or filing proposed findings of fact and conclusions of law. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.440. Hearing officer's proposed decision. In a hearing where the hearing officer hears the case alone, the hearing officer will prepare a proposed decision and order after the close of the record in the case. The proposed decision and order, the case record, and any transcript of the hearing will be transferred to the agency for review under 8 AAC 97.450. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.450. Decisions and orders.

(a) After considering the record and the hearing officer's proposed decision and order, the agency panel assigned to hear the case will prepare a final written decision and order.

(b) Relevant decisions of the National Labor Relations Board and federal courts will be given great weight in the decisions and orders made under this chapter and AS 23.40.070 -- 23.40.260 and AS 42.40.720 -- 42.40.890.

(c) If a quorum of an agency panel assigned to hear a case is deadlocked and cannot reach a decision and an agency member who is qualified to serve as a third member under AS 23.05.360(f) is available, the chair will assign the member to consider the case on a review of the record and to break the deadlock. If an agency member qualified under AS 23.05.360(f) is not available, the chair will refer the case to the full agency to consider the case on a review of the record and to issue a decision and order under (a) and (b) of this section. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134)

Authority: AS 23.05.380 AS 42.40.790
AS 23.40.140 AS 42.40.820
AS 23.40.170

8 AAC 97.460. Posting a decision and order.

(a) The labor relations agency will serve a copy of the final decision and order and a notice of the decision and order on the parties in the case.

(b) No later than 10 days following service of the notice of the final decision and order, the public employer shall post conspicuously for 10 days a copy of the notice at all work sites where members of the bargaining unit affected by the decision and order are employed.

(c) A public employer may substitute service of the decision and order on affected employees in accordance with 8 AAC 97.015 for the posting under (b) of this section. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.465. Full agency review.

(a) No later than 15 days after service of the agency panel's decision and order, a party may move or an agency member may request that the full labor relations agency review the agency panel's decision and order if the decision and order conflicts with a decision and order issued in another case by another agency panel.

(b) Another party may respond as set out in 8 AAC 97.390(c) to a motion by a party for full agency review.

(c) The full agency will consider the motion and any response. If three agency members concur that the decisions and orders are in conflict, the full agency will review the decision and order for which review has been sought and prepare a final decision and order.

(d) Review will be by consideration of the record in the case unless the agency in its discretion orders additional oral argument, briefing, or evidence. (Eff. 4/14/95, Register 134)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820
AS 23.40.140 AS 42.40.790

8 AAC 97.470. Appeals.

(a) The labor relations agency may consider an appeal from a ruling or order of a hearing officer or an agency staff member. Any such appeal must be filed within 15 days from the date of service of the ruling or order. However, an appeal of an order of dismissal of a complaint or accusation must be made under 8 AAC 97.250.

(b) The agency will not consider an appeal under this section unless the appealing party files an affidavit or other evidence that a substantial and material factual or legal dispute exists. (Eff. 7/22/93, Register 127; am 5/18/2002, Register 162; am 5/20/2007, Register 182)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.480. Construction. If the labor relations agency finds that strict adherence to a regulation in this chapter will work an injustice, the agency will, in its discretion, relax or waive the requirements of that regulation. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

Article 6. Collective Bargaining Agreement

Section

500. Filing contracts
510. Petition to enforce contract
520. Answer to contract enforcement petition

8 AAC 97.500. Filing contracts.

(a) A public employer who has entered into a collective bargaining agreement under AS 23.40.070 -- 23.40.260 or AS 42.40.720 -- 42.40.890 shall file one copy of the agreement and any amendments to it with the labor relations agency

(1) no later than 09/20/93; and

(2) 60 days after execution of the agreement or amendment.

(b) Failure to comply with this section does not affect the contract rights between the parties to the agreement. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.210 AS 42.40.860
AS 23.40.170 AS 42.40.820

8 AAC 97.510. Petition to enforce contract.

(a) A party to a collective bargaining agreement may file a petition with the labor relations agency to enforce the agreement. The petition must include

(1) the name, affiliation if any, address, electronic mail address, telephone and facsimile machine numbers of the petitioner and the respondent;

(2) the terms of the collective bargaining agreement that the petitioner seeks to enforce and a plain and concise statement of the reasons the petitioner seeks enforcement;

(3) a copy of the collective bargaining agreement;

(4) a statement that the party has exhausted its rights under the grievance arbitration procedure in the collective bargaining agreement or that the procedure does not apply;

(5) a copy of the grievance arbitrator's decision, if the petition is to enforce an arbitrator's decision; and

(6) a declaration by the person signing the petition that its contents are true and correct to the best of that person's knowledge and belief.

(b) A petition meeting the requirements under (a) of this section will be referred for hearing under 8 AAC 97.330 -- 8 AAC 97.480. (Eff. 7/22/93, Register 127; am 9/28/2024, Register, 251)

Authority: AS 23.05.380 AS 42.40.820
AS 23.40.170 AS 42.40.860
AS 23.40.210

8 AAC 97.520. Answer to contract enforcement petition.

(a) Fifteen days from the receipt of a petition to enforce a collective bargaining agreement, the respondent may file an answer to the petition. The respondent's answer must admit or deny each of the allegations contained in the petition, unless the respondent does not have the information necessary to form a belief regarding the truth of the allegation. The answer may contain a plain statement of any explanation or defense.

(b) If the respondent fails to file an answer within the time allowed, the labor relations agency will, in its discretion

(1) hold a hearing and issue a decision and order; or

(2) consider the lack of an answer to the petition as an admission and issue an appropriate order. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 42.40.820
AS 23.40.170 AS 42.40.860
AS 23.40.210

Article 7. General Provisions

Section
990. Definitions

8 AAC 97.990. Definitions.

(a) In this chapter

(1) "confidential employee" means an employee who assists and acts in a confidential capacity to a person who formulates, determines, and effectuates management policies in labor relations matters;

(2) repealed 4/14/95;

(3) "employee representative" means the labor or employee organization certified by the labor relations agency or recognized by a public employer as the exclusive bargaining representative for a bargaining unit of the public employer, including all labor or employee organizations recognized on June 22, 1990, by municipal school districts, regional educational attendance areas, and the state boarding school;

(4) "public employer" means the same as in AS 23.40.250, and includes the Alaska Railroad Corporation, the University of Alaska Board of Regents, the state boarding school, municipalities, school districts, and regional education attendance areas;

(5) "supervisory employee" means an individual, regardless of job description or title, who has authority to act or to effectively recommend action in the interest of the public employer in any one of the following supervisory functions, if the exercise of that authority is not merely routine but requires the exercise of independent judgment:

(A) employing, including hiring, transferring, laying off, or recalling;

(B) discipline, including suspending, discharging, demoting, or issuing written warnings; or

(C) grievance adjudication, including responding to a first level grievance under a collective bargaining agreement;

(6) "agency" means the Alaska labor relations agency;

(7) "election supervisor" means the assigned agent of the labor relations agency responsible for the conduct of an election under 8 AAC 97.025 -- 8 AAC 97.210;

(8) "service fee" means the fee paid by a nonmember of a labor organization or employee association to the exclusive bargaining agent as reimbursement for the expenses of representation under AS 23.40.110(b)(2) or AS 42.40.760(b)(2).

(b) In AS 23.40.250 "appointed officials" includes

(1) at the state level, only persons appointed directly by the governor;

(2) at the political subdivision level, only those persons appointed directly by the highest ranking executive officer of an organized borough or other political subdivision. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162)

(c) In this chapter, unless otherwise specified, deadlines are calculated by using calendar days. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162; am 9/28/2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820