

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2000

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By: Representatives Chesterfield, Abernathy, Blair, Blount, Bradford, Clemons, Dickinson, Elliott, Fite,
J. Johnson, W. Lewellen, Mahony, Pickett, Saunders
By: Senator Brown

For An Act To Be Entitled

AN ACT TO AMEND THE PERSONNEL POLICY LAW FOR
CLASSIFIED SCHOOL EMPLOYEES TO MAKE IT MORE
CONSISTENT WITH THE PERSONNEL POLICY LAW FOR
CERTIFIED SCHOOL EMPLOYEES; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO AMEND THE PERSONNEL POLICY LAW
FOR CLASSIFIED SCHOOL EMPLOYEES TO MAKE
IT MORE CONSISTENT WITH THE PERSONNEL
POLICY LAW FOR CERTIFIED SCHOOL
EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas §§ 6-17-2301 through 6-17-2306 are amended to read as follows:

6-17-2301. ~~Establishment of personnel policies~~ Requirement.

(a) Each school district in the State of Arkansas shall have a set of written personnel policies, including the salary schedule for ~~each classification of classified personnel in the schools~~ employees.

(b) For the purposes of this subchapter, there shall be five (5) classifications of classified ~~personnel~~ employees as provided in § 6-17-203.

(c) ~~For purposes of this subchapter, a classified employee shall be an employee of a public school who is not required to hold a teaching license~~



1 ~~issued by the State Board of Education.~~ Personnel policies of concern to the
2 classified personnel policies committee shall include, but are not limited
3 to, the following terms and conditions of employment:

4 (1) Salary schedule, fringe benefits, and other compensation
5 issues;

6 (2) Annual school calendar, including work days and holidays;

7 (3) Evaluation procedures;

8 (4) Leave;

9 (5) Grievance procedures;

10 (6) Termination, nonrenewal, or suspension;

11 (7) Reduction in force; and

12 (8) Assignments.

13 (d)(1) No school district shall receive in any year any funds from the
14 Public School Fund until the district has filed by the established deadline
15 its current personnel policies for classified employees signed by the
16 president of the board, including any salary schedules as required by this
17 subchapter.

18 (2) The policies and schedules shall be filed with the
19 Department of Education no later than September 15 of each year.

20 (e) The department shall notify any district that has not filed its
21 policies in accordance with this section.

22
23 6-17-2302. Applicability.

24 (a) The provisions of this subchapter shall not apply if the district
25 chooses to officially recognize in its policies an organization representing
26 the majority of the non-management classified personnel employees of the
27 district for the purpose of negotiating personnel policies, salaries, and
28 educational matters of mutual concern under a written policy agreement.

29 (b)(1) "Classified employee" means any person employed by a school
30 district under a written annual contract who is not required to have a
31 teaching certificate issued by the Department of Education as a condition of
32 employment.

33 (2) "Classified employee administrator" shall means any
34 classified or certified employee who evaluates non-management classified
35 employees and any classified employee who supervises but does not evaluate
36 other classified employees, if the non-management classified employees

1 exclude them.

2 (3) Non-management classified employee" means any classified
 3 employee who does not evaluate other classified employees. The nonmanagement
 4 classified employees in a school district, at their discretion in an election
 5 conducted in accordance with § 6-17-2303(c), include in this definition
 6 classified employees who supervise but do not evaluate other classified
 7 employees; and

8

9 6-17-2303. ~~Committee on personnel policies,~~ for each school district.

10 (a)(1) Each school district shall have a committee on personnel
 11 policies for classified ~~personnel~~ employees which consist of at least one (1)
 12 non-management classified representative from each of the following five (5)
 13 classifications:

- 14 (A) Maintenance and operation;
- 15 (B) Transportation;
- 16 (C) Food service;
- 17 (D) Secretarial and clerical; and
- 18 (E) Aides and paraprofessionals.

19 (2) ~~Any classification of support personnel not identified in~~
 20 ~~the five (5) classifications may be added as an additional representative.~~
 21 All other job classifications of classified employees not identified in the
 22 five (5) classifications may be grouped together and added as an at-large
 23 classification and shall have at least one (1) non-management classified
 24 representative on the committee on classified personnel policies.

25 (b) There shall be no more than three (3) classified employee
 26 administrators on the committee, one (1) of whom may be the superintendent of
 27 schools. The classified employee administrators on the committee shall be
 28 appointed by the school board or its designee.

29 (c) The non-management classified ~~personnel~~ employee member of the
 30 committee shall be elected by a majority of all non-management classified
 31 ~~personnel~~ employees voting by secret ballot.

32 (d) The election shall be conducted solely and exclusively by the non-
 33 management classified ~~personnel~~ employees, including distribution of ballots
 34 to all non-management classified ~~personnel~~ employees.

35 (e) The election shall be conducted by mid-October.

36 (f) There shall be no additional monetary compensation for service on

1 the committee.

2

3 6-17-2304. ~~Personnel policies incorporated~~ Incorporation into
4 employee contracts.

5 (a) ~~The personnel policies of the school district in effect at the~~
6 ~~time that a classified employee's contract is entered into or renewed shall~~
7 ~~be considered to be incorporated as terms of the contract and shall be~~
8 ~~binding upon both parties unless changed by mutual consent.~~ The personnel
9 policies of each school district shall be considered to be incorporated as
10 terms of the classified employees' contracts and shall be binding upon the
11 classified employees and the district.

12 (b)(1) ~~Any amendment to personnel policies adopted during the term of~~
13 ~~that contract shall become effective the following July 1. However, these~~
14 ~~amendments may take place immediately with mutual consent.~~ Any changes or
15 additions to the personnel policies shall not be considered a part of
16 classified employee contracts until the next fiscal year.

17 (2)(A) Any changes or additions to the personnel policies may
18 take effect before the next fiscal year only if the changes or additions are
19 approved by a majority of the classified employees employed by the district
20 voting by secret ballot.

21 (B) The voting and counting of ballots shall be conducted
22 by the classified personnel policy committee.

23 (3) All changes or additions to the classified personnel
24 policies or new personnel policies shall be made in accordance with this
25 subchapter.

26

27 6-17-2305. Organization and duties of committee.

28 (a) The school district's committee on personnel policies for
29 classified personnel shall organize itself in October, elect a chair and
30 secretary, and develop a calendar of meetings throughout the year to review
31 the district's personnel policies to determine whether additional policies or
32 amendments to existing policies are needed.

33 (b) Minutes of the committee meetings shall be promptly reported and
34 distributed to members of the board and posted in the work sites of the
35 district, including administrative offices.

36 (c) Either the committee or the board of directors may propose new

1 personnel policies or amendments to existing policies if the proposals by the
 2 board have been submitted to the committee at least ten (10) working days
 3 prior to presentation to the board. The superintendent may recommend any
 4 changes in personnel policies to the board of directors or the personnel
 5 policies committee. The recommendations shall become proposals if adopted by
 6 either the board or committee.

7 (d) The chair of the committee or a committee member designated by the
 8 chair shall have the opportunity to orally ~~shall~~ present the committee's ~~its~~
 9 proposed policies or amendments to existing policies to the board of
 10 directors.

11 (e) After presentation to the board, final action shall be taken no
 12 later than the next regular board meeting.

13 (f) The board of directors shall have the authority to adopt, reject,
 14 or refer back to the committee on personnel policies for further study and
 15 revision any proposed policies or amendments to existing policies that are
 16 submitted to the board for consideration.

17
 18 6-17-2306. ~~District's personnel policies to be provided to classified~~
 19 ~~employees or administrators. Copies furnished classified employees.~~

20 (a)(1) Each classified employee being employed by a school district
 21 for the first time shall be given a copy of the district's personnel policies
 22 in effect at the time of his or her employment.

23 (2) A digital copy provided to an employee or an online copy
 24 that is accessible by Internet or intranet will meet the requirements of
 25 subdivision (a)(1) of this section.

26 (3) A hard copy of all classified policies shall be available to
 27 review at each work location.

28 (4) The individual employee shall be offered the choice of a
 29 hard copy or a digital copy.

30 ~~(b) Each classified employee or administrator who was employed before~~
 31 ~~the adoption of this policy shall be given a copy of the district's personnel~~
 32 ~~policies at the time his or her contract is renewed or extended.~~

33 (b)(1) Each classified employee shall be furnished a copy of any
 34 amendments to the personnel policies within thirty (30) days after approval
 35 of the amendments by the board of directors of the district.

36 (2) A digital copy provided to an employee or an online copy

1 that is accessible by Internet or intranet will meet the requirements of
2 subdivision (b)(1) of this section.

3 (3) A hard copy of all amendments shall be available for review
4 at each work location.

5 (4) The individual employee shall be offered the choice of a
6 hard copy or a digital copy.

7 ~~(e) Each classified employee or administrator shall be furnished a copy~~
8 ~~of an amendments to the personnel policies within thirty (30) days after~~
9 ~~approval of the amendments by the board of directors of the district.~~

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11 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that the current personnel policy
13 law for classified school employees is inadequate to protect the public's
14 interests in public school districts; that there is a pressing and urgent
15 need to revise the personnel policy law for classified school employees; and
16 that this act is immediately necessary because it will ensure classified
17 employees may fairly participate to the full extent of the law in the
18 development of personnel policies for 2005-2006 contracts. Therefore, an
19 emergency is declared to exist and this act being immediately necessary for
20 the preservation of the public peace, health, and safety shall become
21 effective on:

22 (1) The date of its approval by the Governor;

23 (2) If the bill is neither approved nor vetoed by the Governor,
24 the expiration of the period of time during which the Governor may veto the
25 bill; or

26 (3) If the bill is vetoed by the Governor and the veto is
27 overridden, the date the last house overrides the veto.

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