

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1048

By: Representatives Wilson, Dave Roberts

For An Act To Be Entitled

"AN ACT TO DECLARE PUBLIC POLICY CONCERNING STRIKES AGAINST
PUBLIC SCHOOL DISTRICTS, TO PROHIBIT STRIKES BY
PUBLIC SCHOOL EMPLOYEES; AND FOR OTHER PURPOSES."

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

SECTION 1. The Arkansas General Assembly finds and declares: (a) That the services provided by public school districts are of such nature that they are not and cannot be duplicated from other sources and are essential to the health, safety and welfare of the people of the State of Arkansas;

(b) That the continuity of such services is likewise essential, and their disruption incompatible with the responsibility of the state to its people; and

(c) That every person who enters or remains in the employment of the public school districts accepts the facts stated in subsections (a) and (b) above as an essential condition of his employment.

(d) It is the public policy of the State of Arkansas that strikes against a public school district or public school district employer are illegal.

SECTION 2. As used herein, unless the context otherwise requires:

(1) "Employee" means any person employed by a public school district.

(2) "Strike" means any concerted:

(A) Stoppage of work, slowdown or interruption of operations by employees of a public school district;

(B) Absence from work by employees upon any pretext or excuse, such as illness, which is not founded in fact; or

(C) Interruption of the operations of a local school district by any

employee organization.

(3) "Employee organization" means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of employees.

SECTION 3. (a) If a strike occurs against a public school district or public school district employer, the public school district employer or a citizen taxpayer shall, and if a strike is threatened against a public school district employer, the public school district employer or a citizen taxpayer may, apply to a court of competent jurisdiction to enjoin such strike. The application shall set forth the facts constituting the strike or threat to strike.

(b) No court shall require the posting of a bond under this act.

(c) If the court finds that an illegal strike has occurred or unless enjoined will occur, it shall enjoin the continuance or commencement of such strike.

SECTION 4. (a) If a strike is commenced or continued in violation of an order issued pursuant to this act, the court may:

(1) Fine the employee organization or organizations guilty of such violation not more than \$50,000 for each day of continued violation.

(2) Fine any officer of an employee organization who is wholly or partly responsible for such violation not more than \$1,000 for each day of continued violation.

(3) Order the dismissal or suspension of any employee of the public school district who participates in such strike.

(4) Order that the employee organization or organizations has forfeited the collection of memberships dues by deduction under Ark. Code §6-17-805.

(5) Order that the certification of any employee of the public school district who participates in such strike shall be immediately and permanently terminated.

(b) Any of the penalties enumerated in subsection (a) may be applied alternatively or cumulatively, in the discretion of the court.

SECTION 5. (a) If a strike or violation is commenced or continued in

violation of an order issued pursuant to this act, the public school district employer may:

(1) Dismiss, suspend or demote all or any of the employees who participate in such strike or violation.

(2) Cancel the contracts of employment of all or any of the employees who participate in such strike or violation.

(3) Withhold all or any part of the salaries or wages which would otherwise accrue to all or any of the employees who participate in such strike or violation.

(b) Any of the powers conferred by subsection (a) may be exercised alternatively or cumulatively.

SECTION 6. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.