

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative M. Wilson

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## For An Act To Be Entitled

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"AN ACT TO DECLARE PUBLIC POLICY CONCERNING STRIKES

9

AGAINST PUBLIC SCHOOL DISTRICTS, TO PROHIBIT STRIKES BY

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PUBLIC SCHOOL EMPLOYEES; AND FOR OTHER PURPOSES."

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### Subtitle

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"TO PROHIBIT STRIKES BY PUBLIC SCHOOL

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EMPLOYEES"

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

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18 SECTION 1. The Arkansas General Assembly finds and declares: (a)

19 That the services provided by public school districts are of such nature that

20 they are not and cannot be duplicated from other sources and are essential to

21 the health, safety and welfare of the people of the State of Arkansas;

22 (b) That the continuity of such services is likewise essential, and

23 their disruption incompatible with the responsibility of the state to its

24 people; and

25 (c) That every person who enters or remains in the employment of the

26 public school districts accepts the facts stated in subsections (a) and (b)

27 above as an essential condition of his employment.

28 (d) It is the public policy of the State of Arkansas that strikes

29 against a public school district or public school district employer are

30 illegal.

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

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

34 (2) "Strike" means any concerted:

35 (A) Stoppage of work, slowdown or interruption of operations by

1 employees of a public school district;

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

4 (C) Interruption of the operations of a local school district by  
5 any employee organization.

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

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

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

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

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

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

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

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

31 (4) Order that the employee organization or organizations has  
32 forfeited the collection of memberships dues by deduction under Ark. Code  
33 6-17-805.

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

1 permanently terminated.

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

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5 SECTION 5. (a) If a strike or violation is commenced or continued in  
6 violation of an order issued pursuant to this act, the public school district  
7 employer may:

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

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

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

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

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

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22 SECTION 7. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

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28 SECTION 8. All laws and parts of laws in conflict with this act are  
29 hereby repealed.

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