From: Susan A
To: Senate Labor and Commerce; Senate Finance Committee
Subject: SB 55 Public Testimony
Date: Wednesday, March 12, 2025 1:17:31 PM

Refined Public Testimony on SB 55: Teachers' Rights under Alaska Statutes, Constitutional Laws, and NEA Rights

Honorable members of the Alaska State Legislature,

I respectfully present this testimony on Senate Bill 55, which proposes changes to employer contributions to the Teachers' Retirement System (TRS) and the Supplemental Employee Benefits Program (SEBP). While these modifications are intended to address the fiscal health of the retirement system, they have significant legal, constitutional, and equity concerns regarding teachers' rights under Alaska state statutes, the Alaska Constitution, and National Education Association (NEA) collective bargaining principles. These concerns, if unaddressed, may create legal vulnerabilities for teachers in Alaska and affect their ability to enforce their contractual rights.

1. Violation of Teachers' Contractual Rights under Alaska Statutes:

Teachers in Alaska have vested rights regarding their pension benefits, which are protected by both state law and Alaska's Constitution. These rights are akin to contractual obligations, and unilateral changes to their benefits could be legally challenged.

Alaska Statutory Protections:

AS 14.25.090 (Teachers' Retirement System — Rights of Members) establishes that members of the Teachers' Retirement System (TRS) have a right to their accrued benefits, which are considered vested once earned. SB 55 proposes altering employer contribution rates and benefit structures, which could negatively affect these vested benefits if not adequately protected.

The Alaska Supreme Court in State of Alaska v. Public Employees Local 71 (2003) affirmed that changes to retirement systems must not significantly reduce or impair vested benefits. Any reduction in retirement benefits for teachers would likely face constitutional challenges under AS 14.25.090.

Teachers' right to receive pension benefits is a contractual right, and under Alaska Statutes, the legislature must not impair this right without providing just compensation or a due process procedure.

Relevant Case:

State of Alaska v. Public Employees Local 71, 67 P.3d 761 (Alaska 2003).
This case emphasizes that changes to pension systems must not reduce vested benefits without compensation, ensuring that public employees, including teachers, retain rights to earned benefits.

2. Equal Protection Concerns under the Alaska Constitution:

SB 55 contains provisions that may result in unequal treatment of teachers based on whether their employers participate in the federal Social Security system. This could create an unconstitutional disparity in benefits, violating the Equal Protection Clause of the Alaska Constitution.

Alaska Constitution – Equal Protection:

Article I, Section 1 of the Alaska Constitution guarantees equal protection of the laws. Disparities between teachers based on the participation in Social Security could lead to unequal treatment in the distribution of benefits, which may violate this fundamental principle.

In Alaska v. American Civil Liberties Union of Alaska (2004), the Alaska Supreme Court applied the strict scrutiny standard for cases involving significant disparities based on a protected class, such as income or employer status. Teachers employed in schools that do not participate in Social Security could face financial disadvantages due to less favorable benefits. This could be deemed a constitutional violation unless SB 55 can show a compelling state interest for such unequal treatment.

Relevant Case:

Alaska v. American Civil Liberties Union of Alaska, 54 P.3d 286 (Alaska 2004).
This case held that legislative actions resulting in unequal treatment of individuals or groups must be justified by a compelling state interest, especially where protected classes are involved.

3. Teachers' Collective Bargaining Rights under Alaska Law and NEA Standards:

Teachers in Alaska are represented by the Alaska Education Association (AEA), and under both Alaska state law and NEA principles, they have the right to collectively bargain over wages, benefits, and working conditions, including retirement benefits.

Alaska Statutes on Collective Bargaining:

AS 23.40.070 grants public employees, including teachers, the right to engage in collective bargaining over compensation, working conditions, and retirement benefits. Any changes to pension or benefit plans that affect teachers' pay must be negotiated through the collective bargaining process. SB 55, by altering employer contributions to the TRS and SEBP, could infringe on these bargaining rights if changes are made without proper consultation and agreement with teacher representatives.

AS 14.25.300 requires that changes to the Teachers' Retirement System be implemented in a way that respects the bargaining agreements in place between the state and unions. If SB 55 does not include consultation with teachers' unions like AEA, it could violate labor rights under Alaska law.

NEA Rights: The National Education Association (NEA) has consistently supported the right of public employees to bargain collectively under the National Labor Relations Act (NLRA). SB 55's potential alteration of retirement benefits without union consultation undermines this right and could conflict with NEA standards. If implemented without union negotiation, these provisions could be seen as a breach of good faith by the legislature.

Relevant Case:

State v. Alaska Public Employees Association, 589 P.2d 1142 (Alaska 1979).
The case affirmed the right of public employees to engage in collective bargaining, specifically regarding compensation and benefits, ensuring that unilateral changes violate these established rights.

4. Disparate Impact on Teachers in Tribal or Indigenous Schools:

The proposed changes in SB 55 could disproportionately affect teachers working in tribal or indigenous schools in Alaska, which may have different retirement system participation requirements than state-run schools.
Tribal Sovereignty and Equal Rights:
Under Alaska Native Claims Settlement Act (ANCSA) and the Indian Self-Determination and Education Assistance Act (ISDEAA), tribes have the sovereign right to administer educational programs and manage the benefits for their employees. Teachers in these schools, who are subject to different pension and retirement systems, could face unequal treatment under SB 55.

The Alaska Supreme Court in Stewart v. State (2001) held that tribal sovereignty must be respected in state legislation. If SB 55 undermines the ability of tribal governments to manage their employees' benefits, it could conflict with the sovereign rights of Alaska Native governments and result in discriminatory treatment of tribal teachers.

Relevant Case:

Stewart v. State, 35 P.3d 73 (Alaska 2001).
This case established that tribal sovereignty in Alaska must be respected in state matters, including those involving employment and benefits for tribal employees.

5. Due Process and Legal Safeguards:

The lack of clear enforcement mechanisms and due process safeguards in SB 55 could result in teachers' rights being violated without proper recourse.

Alaska Constitution – Due Process:

Article I, Section 7 of the Alaska Constitution provides for due process in legal proceedings. Teachers whose benefits are altered under SB 55 without proper legal safeguards, such as notice, a hearing, or compensation, could be denied their constitutional right to due process.

Additionally, the Alaska Supreme Court in McIntyre v. Alaska (1992) held that state laws affecting public employees' retirement benefits must include adequate remedies for violations. The absence of enforcement provisions in SB 55 may leave teachers with no legal recourse to challenge changes to their pension system, violating both their constitutional rights and their contractual rights under AS 14.25.

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where retirement benefits are altered or reduced.

SB 55, while intended to address the financial health of the Teachers' Retirement System, raises several legal concerns under Alaska state statutes and constitutional law, particularly regarding the vested rights of teachers. The bill may infringe upon teachers' collective bargaining rights, create disparities in retirement benefits, and potentially violate tribal sovereignty. Without clear legal safeguards and consultation with teacher unions, SB 55 could also fail to respect teachers' due process rights.

I urge the legislature to carefully review these legal implications and ensure that teachers' rights are fully protected in any revisions to the retirement system. Thank you for your attention to these matters.

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I urge the legislature to carefully review these legal implications and ensure that teachers' rights are fully protected in any revisions to the retirement system. Thank you for your attention to these matters.

Susan Allmeroth
Two Rivers
Myself

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Thank you for making sure our teachers are well cared for in Alaska

But there are solutions I could offer.

1. Protecting Teachers' Retirement Benefits:

Maintain Vested Rights:
Amend SB 55 to ensure that teachers' vested rights in the Teachers' Retirement System (TRS) are protected and that any changes to the employer contribution rates or benefits do not undermine their accrued benefits. This could involve grandfathering teachers who are already part of the system, ensuring that their benefits remain unchanged, while providing a pathway for future members to be included in the new system under fair terms.

Preserve Teacher Input:
Include a provision in SB 55 requiring the Alaska Education Association (AEA) or other teacher unions to be consulted and involved in the process of any proposed changes to the retirement system. This would ensure that changes are subject to collective bargaining and that teachers have a voice in determining their future benefits, upholding their legal rights under AS 23.40.070.

Ensure Due Process:
To address due process concerns under Article I, Section 7 of the Alaska Constitution, ensure that teachers can challenge any reductions in their benefits or contributions. This could involve providing a formal review process or arbitration options for teachers who believe they are unfairly impacted by changes in the retirement system. This would guarantee fair hearings and access to justice for teachers who may feel that their contractual rights have been violated.

2. Equal Treatment and Equal Protection:

Implement Equal Benefit Structures:
Amend SB 55 to ensure that teachers in all districts are subject to the same benefit structure regardless of whether their employer participates in the federal Social Security system. This would address the equal protection concerns under Article I, Section 1 of the Alaska

Constitution, ensuring that all teachers, regardless of employer status, are treated equally under the law and receive fair retirement benefits.

Provide Safeguards for Indigenous Teachers:
Ensure that teachers employed by tribal schools or Alaska Native corporations are not unfairly impacted by changes to the retirement system. This can be achieved by establishing a special provision that recognizes the unique status of these teachers and their employment structures while providing them with the same retirement benefits and protections as other teachers in the state.

Separate Retirement Programs:
Establish a parallel retirement system for teachers who work in tribal or rural areas to mitigate any disparities. This could involve creating a state-managed program that ensures equitable contributions and benefits, specifically targeting teachers in these underserved regions. The program would respect the sovereignty of tribes while providing necessary protections for educators.

3. Strengthening Collective Bargaining and Teacher Representation:

Mandate Collective Bargaining on Retirement Changes:
To ensure teachers' voices are heard, SB 55 could explicitly require that any changes to the Teachers' Retirement System (TRS) be subject to collective bargaining. This would honor teachers' right to negotiate and ensure that retirement system changes do not occur unilaterally without union approval. The state must legally recognize teachers' unions as the sole representative of teachers in any decision-making processes regarding their benefits.

Expand Teacher Representation:
Ensure that all affected teacher unions, including those in rural and tribal schools, are given a seat at the negotiating table. By including a broad range of educators' voices, this would help prevent policies that disproportionately affect teachers in underrepresented areas or who work in nontraditional school environments, maintaining equity and inclusiveness.

4. Legal Protections and Addressing Statutory Issues:

Codify Stronger Protections for Retirement Benefits:
Enact new legislation that specifically protects retirement benefits for public employees, especially teachers, in a way that makes changes to the retirement system more difficult without significant legislative review. This could include provisions requiring that any reduction in pension benefits must meet specific statutory and constitutional criteria, ensuring that teachers' benefits are not arbitrarily changed.

Reinforce Teachers' Rights to Due Process:
Establish a clear procedural framework for teachers to challenge changes to their benefits or compensation. This could include the ability to appeal any reductions in their retirement benefits through an independent body such as the Alaska Labor Relations Agency. Additionally, provide educational outreach to teachers so they are fully informed of their rights under state law and the constitution.

5. Monitoring and Enforcement:

Establish a State Oversight Committee:
Create a state oversight body to monitor the impacts of changes to the Teachers' Retirement System and ensure compliance with legal standards. This committee could be tasked with ensuring that changes to the retirement system do not disproportionately affect certain groups of teachers, ensuring that public interests are safeguarded.

Implement Transparency and Public Reporting:
Make sure that any proposed changes to teachers' benefits or contributions are transparent and subject to public hearings. This allows teachers and the public to stay informed of proposed legislative actions and hold legislators accountable for their decisions.

Incorporating these solutions will help protect teachers' rights and ensure fairness in the application of retirement benefits. It will also help prevent potential statutory and constitutional violations, such as due process and equal protection issues, and preserve the collective bargaining rights of teachers as guaranteed by NEA guidelines and Alaska state law.

The best solutions may come from teachers.

1. Protecting Teachers' Retirement Benefits:

Maintain Vested Rights:
Teachers have accrued and vested rights in the Teachers' Retirement System (TRS). The proposed solution of grandfathering teachers' benefits ensures that teachers' past contributions and earned retirement benefits are protected, preventing any retroactive loss or diminishment of their benefits, which could directly impact their future financial security. This is especially important for long-term educators who have contributed to the system for many years.

Preserve Teacher Input:
Teachers are directly impacted by changes to their retirement benefits. By mandating consultation with teacher unions (like the Alaska Education Association (AEA)), this solution ensures that teachers have a voice in determining the changes to their benefits. This respects their right to collective bargaining and ensures that any changes are made fairly and transparently.

Ensure Due Process:
If changes to benefits are made, teachers must have the right to challenge these decisions through an appeals process. This ensures teachers' due process rights under the Alaska Constitution are upheld, protecting teachers from arbitrary decisions that could negatively affect their financial well-being without a proper review.

2. Equal Treatment and Equal Protection:

Implement Equal Benefit Structures:
Teachers in different school districts or employed by different employers (such as tribal schools) may face disparities in their retirement benefits due to their employer's participation in Social Security. By ensuring that all teachers receive equal retirement benefits, regardless of their employer's participation in Social Security, this solution protects teachers from discriminatory practices and ensures fair treatment under the law. Teachers working in remote or tribal schools should not be at a disadvantage due to where they work.

Provide Safeguards for Indigenous Teachers:
Teachers working in tribal or rural areas of Alaska often have distinct employment relationships, which could lead to inequities in the retirement system. The solution to provide specific safeguards or alternative retirement programs for these teachers ensures that they receive equal benefits and are not left behind due to unique working conditions, such as employers who do not participate in the Social Security system.

3. Strengthening Collective Bargaining and Teacher Representation:

Mandate Collective Bargaining on Retirement Changes:
Teachers' rights to negotiate retirement benefits and compensation are central to their collective bargaining rights. Mandating that changes to the Teachers' Retirement System must go through collective bargaining ensures that teachers have a say in the policies that affect their livelihood. This solution is critical for teachers' unions (like the AEA) to negotiate on behalf of teachers and ensure that any policy changes respect teachers' rights and interests.

Expand Teacher Representation:
It's important that all teachers, including those in rural and tribal schools, are adequately represented during negotiations. This solution ensures that all educators, regardless of where they work, have access to representation and input on issues impacting their professional lives. Including a broader range of teachers in the process ensures that no teachers are left out of important decisions related to their working conditions or benefits.

4. Legal Protections and Addressing Statutory Issues:

Codify Stronger Protections for Retirement Benefits:
Enacting legislation to strengthen protections for teachers' retirement benefits guarantees that teachers' pensions are secure, and that any changes to the system are made fairly and with consent. Teachers should not be denied benefits they have earned or see their benefits reduced without clear legal grounds.

Reinforce Teachers' Rights to Due Process:
If there is a dispute over retirement benefits or any changes that affect teachers, they must have a legal framework to challenge the changes. This framework provides teachers with the opportunity to appeal decisions that they feel are unfair or unjust. Ensuring due process safeguards teachers' rights and protects them from losing benefits without a fair hearing.

5. Monitoring and Enforcement:

Establish a State Oversight Committee:
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Conclusion:

Incorporating these solutions will help protect teachers' rights and ensure fairness in the application of retirement benefits. It will also help prevent potential statutory and constitutional violations, such as due process and equal protection issues, and preserve the collective bargaining rights of teachers as guaranteed by NEA guidelines and Alaska state law.

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Maintain Vested Rights:
Teachers have accrued and vested rights in the Teachers' Retirement System (TRS). The proposed solution of grandfathering teachers' benefits ensures that teachers' past contributions and earned retirement benefits are protected, preventing any retroactive loss or diminishment of their benefits, which could directly impact their future financial security. This is especially important for long-term educators who have contributed to the system for many years.

Preserve Teacher Input:
Teachers are directly impacted by changes to their retirement benefits. By mandating consultation with teacher unions (like the Alaska Education Association (AEA)), this solution ensures that teachers have a voice in determining the changes to their benefits. This respects their right to collective bargaining and ensures that any changes are made fairly and transparently.

Ensure Due Process:
If changes to benefits are made, teachers must have the right to challenge these decisions through an appeals process. This ensures teachers' due process rights under the Alaska Constitution are upheld, protecting teachers from arbitrary decisions that could negatively affect their financial well-being without a proper review.

2. Equal Treatment and Equal Protection:

Implement Equal Benefit Structures:
Teachers in different school districts or employed by different employers (such as tribal schools) may face disparities in their retirement benefits due to their employer's participation in Social Security. By ensuring that all teachers receive equal retirement benefits, regardless of their employer's participation in Social Security, this solution protects teachers from discriminatory practices and ensures fair treatment under the law. Teachers working in remote or tribal schools should not be at a disadvantage due to where they work.

Provide Safeguards for Indigenous Teachers:
Teachers working in tribal or rural areas of Alaska often have distinct employment relationships, which could lead to inequities in the retirement system. The solution to provide specific safeguards or alternative retirement programs for these teachers ensures that they receive equal benefits and are not left behind due to unique working conditions, such as employers who do not participate in the Social Security system.

3. Strengthening Collective Bargaining and Teacher Representation:

Mandate Collective Bargaining on Retirement Changes:
Teachers' rights to negotiate retirement benefits and compensation are central to their collective bargaining rights. Mandating that changes to the Teachers' Retirement System must go through collective bargaining ensures that teachers have a say in the policies that affect their livelihood. This solution is critical for teachers' unions (like the AEA) to negotiate on behalf of teachers and ensure that any policy changes respect teachers' rights and interests.

Expand Teacher Representation:
It's important that all teachers, including those in rural and tribal schools, are adequately represented during negotiations. This solution ensures that all educators, regardless of where they work, have access to representation and input on issues impacting their professional lives. Including a broader range of teachers in the process ensures that no teachers are left out of important decisions related to their working conditions or benefits.

4. Legal Protections and Addressing Statutory Issues:

Codify Stronger Protections for Retirement Benefits:
Enacting legislation to strengthen protections for teachers' retirement benefits guarantees that teachers' pensions are secure, and that any changes to the system are made fairly and with consent. Teachers should not be denied benefits they have earned or see their benefits reduced without clear legal grounds.

Reinforce Teachers' Rights to Due Process:
If there is a dispute over retirement benefits or any changes that affect teachers, they must have a legal framework to challenge the changes. This framework provides teachers with the opportunity to appeal decisions that they feel are unfair or unjust. Ensuring due process safeguards teachers' rights and protects them from losing benefits without a fair hearing.

5. Monitoring and Enforcement:

Establish a State Oversight Committee:
The creation of an oversight body ensures that the implementation of retirement system changes is transparent and that teachers' interests are properly monitored. Teachers can feel confident that their rights are being protected, and any unfair practices will be flagged for review. This body would ensure that changes to retirement benefits are not made in a discriminatory or arbitrary manner.

Implement Transparency and Public Reporting:
Transparency is key when changes are made to teachers' benefits. Teachers need to know exactly how changes will impact their future pensions. Providing public reports and public hearings ensures that teachers are informed and can participate in discussions that directly affect their futures.

Conclusion:

All the proposed solutions specifically protect teachers' rights by ensuring that their retirement benefits, collective bargaining rights, and constitutional protections are upheld. They directly apply to teachers in the following ways:

Ensuring their retirement benefits are secure and protected from arbitrary reductions.

Providing a legal framework for teachers to challenge decisions and ensure their due process rights are respected.

Maintaining a fair system where all teachers are treated equally, no matter where they work.

Guaranteeing teacher representation through collective bargaining, ensuring teachers have a voice in their future.

These measures would make sure that teachers' livelihoods and rights are adequately protected in any legislative changes, especially those impacting retirement and benefits.

1. Ensuring their retirement benefits are secure and protected from arbitrary reductions.

2. Providing a legal framework for teachers to challenge decisions and ensure their due process rights are respected.
3. Maintaining a fair system where all teachers are treated equally, no matter where they work.

4. Guaranteeing teacher representation through collective bargaining, ensuring teachers have a voice in their future.

At some point I may have started to repeat myself, I apologize if I do. Thank you for your time and consideration,

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Myself