

HB

268



Official Business

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

April 2, 1982

AGENDA

SB 119

passed as amended 3/4/82

An Act relating to housing of teachers in the public schools

HB 512

Tobb

An Act relating to the employment and dismissal of teachers

HB 268

An Act relating to the protection of the health and safety of teachers and other school employees.

Introduced: 3/5/81
Referred: Health, Education &
Social Services

1 IN THE HOUSE

BY GARDINER, MOSS, ADAMS,
AND ZHAROFF

2 HOUSE BILL NO. 268

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the protection of the health and
7 safety of teachers and other school employees."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 14.08.111 is amended by adding a new paragraph to read:

10 (9) provide for the protection of the health and safety of
11 employees of the regional educational attendance area while they are
12 engaged in the performance of their duties and job-related assignments.

13 * Sec. 2. AS 14.14.090 is amended by adding a new paragraph to read:

14 (7) provide for the protection of the health and safety of
15 employees of the school district while they are engaged in the perfor-
16 mance of their duties and job-related assignments.

17 * Sec. 3. AS 14.08 is amended by adding a new section to read:

18 Sec. 14.08.171. INJURY LEAVE. (a) A regional school board shall
19 allow a teacher injury leave if the teacher is physically or mentally
20 incapacitated *Does this include?* for further performance of duty as a result of an injury
21 sustained in the course of employment as a teacher. The teacher may
22 take injury leave until he is no longer disabled or until he is eligible
23 for disability benefits. A physician's certification of the disability
24 is required before injury leave may be granted. While on injury leave,
25 a teacher is entitled to base salary and benefits. *New program - reassignment*
26 A teacher who is entitled to injury leave under this section is not *not needed*
27 sick leave before taking injury leave. *under worker comp*

28 * (b) The taking of injury leave shall be reduced by the amount of
29 wage continuation payments made under the Alaska Workers' Compensation

1 Act (AS 23.30).

2 * Sec. 4. AS 14.14 is amended by adding a new section to read:

3 Sec. 14.14.109. INJURY LEAVE. (a) A school board shall allow a
4 teacher injury leave if the teacher is physically or mentally incapacitated
5 for further performance of duty as a result of an injury sustained
6 in the course of employment as a teacher. The teacher may take injury
7 leave until he is no longer medically disabled or until he is eligible
8 for disability benefits. A physician's certification of the disability
9 is required before injury leave may be granted. While on injury leave,
10 a teacher is entitled to base salary and benefits. A teacher who is
11 entitled to injury leave under this section is not required to take
12 sick leave before taking injury leave.

13 (b) The taking of injury leave shall be reduced by the amount of
14 wage continuation payments made under the Alaska Workers' Compensation
15 Act (AS 23.30).

16 * Sec. 5. AS 14.20 is amended by adding a new section to read:

17 Sec. 14.20.096. RIGHT TO REFUSE UNSAFE ASSIGNMENTS. A teacher
18 may refuse to ^{*continue in an assignment if it becomes unsafe.*} undertake duties which the teacher believes to be a
19 danger to personal health or safety. A teacher may not be disciplined,
20 dismissed, deprived of any professional advantage, suffer loss of
21 salary or benefits, or in any other way be penalized for refusing to
22 undertake duties as allowed by this section.

Bill No. House Bill 268

Date April 2, 1982

Title "An Act Relating to the Protection of the Health and Safety of Teachers and other School Employees"

Contact: J.L. McClintock
465-2790
Judy Knight
465-2700

This bill will require rural regional school boards and city school boards to provide health and safety protection for their employees. These employees are covered by the Department's occupational safety and health program. However, if this bill will encourage school boards to develop occupational safety and health programs for their employees, we support this provision for emphasizing safety. The department, with its present resources, should be able to provide advice and consultation to school boards that wish to develop such programs.

We do, however, have some concerns with the "injury leave" provisions of this bill. Alaska's existing workers' compensation system is one unit in an overall system of wage loss protection that provides medical care and cash-wage benefits for employees suffering job related injury or disease.

Under the Workers' Compensation law, the employer is required to purchase workers' compensation insurance or to qualify as a self-insured for injury to its employees. The insurance adjuster then has the primary responsibility on behalf of the employer to administer any claim arising from an occupational injury or disease and to insure that proper benefits, if due, are paid to the injured or disabled worker.

One of the purposes of the workers' compensation system is to provide the means for the return of the injured worker to gainful employment. If the injured worker continues to receive his full pay plus benefits, the worker's incentive to return to work as soon as possible or to be retrained for work that is compatible with his disability may be significantly diminished.

In reviewing the "injury leave" provisions of House Bill 268, the following questions and possible problems arise:

1. If an employee requests injury leave, does the employer then assume the responsibility of administering the claim for the period of time specified under Sections 3 and 4 and how will other workers' compensation benefits be coordinated with the employer's insurance adjuster (temporary partial, permanent partial and permanent total disability and medical benefits?)
2. What criteria will be established for granting or denying injury leave and will this place the initial investigative process on the employer instead of the insurance adjuster?

POSITION PAPER/Department of Labor

3. If the employer doubts the validity of a claim and contests compensability, how will this affect the employee's request for injury leave and at what level will the claim or request for injury leave be granted or denied? Will there be a provision for recovery of injury leave in the event the claim is later found to be invalid?
4. The provision provides for "injury leave until he is no longer disabled or until he is eligible for disability benefits." What criteria will be established to notify the employer when the employee is no longer disabled or is eligible for disability benefits? How will injury leave affect those employees that are either never able to return to their employment or can only perform work that is less strenuous? What effect will injury leave have on temporary partial benefits?

In considering House Bill 268 it is important to examine whether the degree of industrial injury protection for the injured worker is to depend upon standards fixed by legislation or upon the relative bargaining power of a particular group of employees. To enact legislation for only a particular group of employees may be discriminatory to the general work force whose benefits are based solely on the provisions of the Alaska Workers' Compensation Act.

The program effects of the bill could result in increased benefit and administrative costs to the employer and possibly an increase in injury claims due to the benefits provided.

54/1/11/81

Gardner.

Dear Sir.

I am a public school teacher and have been a teacher for 25 years.

I teach Special Ed. K-12 in Hydenburg AK.

In 25 years of teaching I have been assaulted 4 times, all of these 4 times have been in the current school year here at Hydenburg at school sponsored evening programs.

This has been done to me by drunken men & women who are strangers to me and who are merely looking for a target to dump their ignorance upon. & I have taught here 2 years if I can make it to May.

The children K-12 are working very well and cooperating nicely.

The parents of the children are cooperating very well.

But this community needs a State Patrolman here full time to help curb the alcohol & drug abuses that is festering a problem for the school. I'm short on so cop so school should be the policy here.

Thank you for your help in getting one for us.

Sincerely

J. C. Linebaugh
Sp. Ed. teacher
Box 105.
Hydaburg AK.
99922

ph 285-3183

The overall score for Hydaburg school for Sept. - Dec 80

- 1 break-in entry during program
- 1 busted lip of principal
- 1 kick on arm of Sp. Ed. teacher
- 1 hit on head of Parent (female) chaperone by folding chair
- 1 attack on Superintendent - 2 1/2 teeth gone
- 1 attack on Sp. Ed. teacher, 1 kick on leg, one strike on side, one strike on neck

Total 6 for 1st 90 days of school

January 12, 1981

Mr. Terry Gardiner
Box 6092
Ketchikan, Alaska 99901

Dear Mr. Gardiner:

Please help us get police protection in the village. As I am sure you are already aware of the incident in Hydaburg recently, the brutal beating of our School Superintendent, Sasha Soboloff, I will not elaborate on that.

As Caucasian schoolteachers here, we live in fear. Angry young people on alcohol plus drugs are dangerous. I want to help educate the youngsters here without feeling uneasy. Having law enforcement here would give a sense of security we lack.

As a first and second grade teacher, I find it quite disturbing to walk into my classroom and find a shattered window. So far I have had two window panes shattered by rocks and far more than that shattered or riddled with bullet holes. Since there is no deterrent for this vandalism, it continues. This is but one example of the lawlessness existing here.

We want law and order restored and a trooper on duty would help back the efforts of the many fine citizens of this little village.

Sincerely yours,

Martha Gege Howarth
Martha Gege Howarth
Box 16
Hydaburg, Alaska 99922



HYDABURG CITY SCHOOL

HYDABURG, ALASKA, PRINCE OF WALES ISLAND 99922

January 7, 1981

Terry Gardiner, Representative
Box 6092
Ketchikan, Alaska 99901

Dear Mr. Gardiner,

Please accept this letter as a sincere appeal on behalf of our school's faculty and the citizens of Hydaburg to use your good judgement and influence to station a full-time trooper in Hydaburg.

My concern, as the school's principal, springs from a series of violent attacks on faculty members and supportive citizens. These threatening incidents were perpetrated by a number of young "adult" malcontents who engage heavily in the use of alcohol and drugs. Most recently, on December 13, two young inebriates attacked and assaulted our superintendent, Sasha I. Soboleff. Mr. Soboleff lost three teeth and both he and his wife particularly suffered severe trauma from the incident. On the same evening a teacher was assaulted by the same two young men, but was able to ward them off before he was substantially injured. I, and other teachers, have personally been assaulted and stricken while performing as sponsors or chaperones at public school functions.

Over the past four years, this community's educators have worked diligently to build a school of which the students and parents can be proud. Judging by the day to day comments and actions of both groups we have accomplished that goal, and we continue to build stronger and more wisely. Parents, students, and prominent citizens are proud of the "real school" we have worked together to build from the calamitous walk-out of four years ago prior to the time of our present administration and staff. I know from experience that it takes a lot of time and dedication to build a school atmosphere and educational program, and I am determined that they will not be destroyed by a handful of drunken punks who feel free to terrorize our school staff and citizenry in the absence of local law enforcement.

Page Two

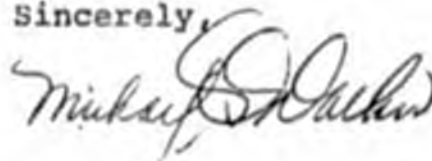
I am informed by our mayor, John Morris, that the City of Hydaburg is presently emphasizing the Village Public Safety Officer program and presently has two trainees. I am gratified that Trooper Anderson from Craig has been stationed here on a "temporary duty" basis, in essence, half-time. However, this arrangement still leaves us half-time unprotected. The trooper must be available to attend community events such as basketball games and dances to guarantee potentially violent drunk-and-disorderlies that they will be taken into custody immediately, effectively, and legally.

Teaching is a taxing job which cannot be done effectively under a pall of fear for personal safety. We must not fail to recognize that an aura of fear over an extended period will cause even the most dedicated teachers to decide not to renew their contracts for next year: some have already openly admitted they have considered leaving mid-year!

Won't you please help provide for the full-time safety of our citizens, for the continuity of our long-in-coming quality instructional program, and gain a debt of gratitude from your constituents? Please use the considerable influence of your office to expedite the stationing of a full-time state trooper in Hydaburg at the earliest possible date.

If you have questions or need help in coordinating action locally in this regard, please write or call me at 285-3591. I appreciate your consideration and anxiously await your response.

Sincerely,



Michael G. Walker
Principal

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 268
 Title An Act relating to the protection of the health & safety of teachers and other
 Requested by House Hess Date 4/10/81 employee

II. FISCAL DETAIL

Agency Affected Department of Education
 Program Category Affected Elementary and Secondary Education
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		-0-	-0-	-0-	-0-	-0-

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS N/A

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact.

IV. DATE 4/10/81 PREPARED BY Steve Hole
 AGENCY Department of Education
 PHONE 465-2800

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HB 268 - Safety of Teachers

* Do local Sch. Board carry special insurance for this.

Blackboard jungle -

Hostility -

What was the aggravating cause -

What does local community re-action \Rightarrow

Not safe for children as well as teachers.

Hydaburg - -

Village Police - New local alcohol laws.

almost prohibition.

Racial?

Hal Rowman - Chugiack - -

Deane Anderson - NEA - Wash.

Not racial

Not law enforcement

problem.

4-2-82

HB 268

Dianna Anderson, NEA, Inc

1 Tea. att. by edum

Judo Polo - Kasai 12 yrs.