

COMMITTEE REPORT
SENATE

FURTHER:

5/11/86

Date _____

Mr. President

The Committee on FINANCE considered SB 484

relating to public employee collective bargaining; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

22

COMMITTEE REPORT
SENATE RULES COMMITTEE

5/7/86

Date _____

Mr. President:

The Committee on Rules considered SB 484
relating to public employee collective bargaining; efd.

and recommended it be placed on the _____ Calendar
[] with attached amendment(s).

[] replace with CS for _____ [] same title
[] new title

[] and attached a Letter of Intent

[] new fiscal note

MEMBERS SIGNING FOR PLACEMENT
ON THE CALENDAR

MEMBERS HAVING OTHER
RECOMMENDATIONS

CHAIRMAN

RETURNED TO FIN

COMMITTEE REPORT
SENATE

FURTHER:

Ruler

4/21/86

Date

5/6/86

Mr. President

The Committee on FINANCE considered SB 484
relating to public employee collective bargaining; and providing for
an effective date."

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 484 (Fin)
new title
- same title and recommends "DO PASS"
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
& SFC
- reports it back without recommendation *PS comr*
- recommends referral to _____

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

1. [Signature]
1. Paul Fisher
1. [Signature]

1. [Signature] NO REC
1. [Signature] NO REC
[Signature]

0 - 1
[Signature]
 Chairman
do pass
 Chairman recommendation

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

4/18/86

Date _____

Mr. President

The Committee on STATE AFFAIRS considered SB 484

relating to public employee collective bargaining; and providing for an effective date.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT"
- reports it back without recommendation
- recommends referral to _____

MEMBERS SIGNING
DO PASS

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

Offered: 5/7/86
Referred: Rules

Original sponsor: Finance Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 484 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to reduction of personnel in public
7 education because of revenue decreases; and providing
8 for an effective date."

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

10 * Section 1. FINDINGS. The legislature finds that

11 (1) quality education requires adequate staffing of schools;

12 (2) quality of education is of the highest importance for the
13 future of Alaska's children and of the state itself;

14 (3) the interaction between pupil and teacher is a most impor-
15 tant part of a child's learning; and

16 (4) strong instructional leadership is a characteristic of
17 effective schools.

18 * Sec. 2. POLICY. The legislature declares that it is state policy to
19 promote the quality of the public education instruction program and that to
20 do so requires adequate classroom staffing in public schools.

21 * Sec. 3. AS 14.20.175(b) is amended to read:

22 (b) A teacher who has acquired tenure rights is subject to
23 nonretention for the following school year only for the following
24 causes:

25 (1) incompetency, which is defined as the inability or the
26 unintentional or intentional failure to perform the teacher's
27 customary teaching duties in a satisfactory manner;

28 (2) immorality, which is defined as the commission of an
29 act which, under the laws of the state, constitutes a crime involving
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1 moral turpitude;

2 (3) substantial noncompliance with the school laws of the
3 state, the regulations or bylaws of the department, the bylaws of the
4 district, or the written rules of the superintendent; or

5 (4) a necessary reduction of staff occasioned by a decrease
6 in school attendance or if a reduction is necessary because funding
7 from all sources for the school district is less than the amount the
8 district received from all sources in fiscal year 1986.

9 * Sec. 4. AS 14.20 is amended by adding new sections to read:

10 Sec. 14.20.177. LIMITATIONS ON REDUCING PERSONNEL. (a) When
11 faced with a reduction in state revenue, a school board shall reduce
12 personnel only after determining that it is necessary and consistent
13 with educational policy and good management. The school board shall
14 consider reducing a proportionate ratio of classified support staff,
15 certificated support staff, instructional staff and appropriate non-
16 personnel expenditures at the same time. When reducing its staff, the
17 school board shall consider the financial resources of all persons
18 within a group subject to layoff under (b) of this section before
19 deciding which individuals in the group to lay off. In addition, the
20 school board shall consider whether or not individuals in the group
21 subject to lay off under (b) of this section could have qualified
22 under AS 14.43.125 or 14.43.650 or obtained a loan after qualifying
23 under AS 14.43.125 or 14.43.650 before deciding which individuals in
24 the group to lay off.

25 (b) To the extent consistent with educational policy and good
26 management, layoffs shall be made in the following order:

27 (1) the offering of early retirement incentives;

28 (2) noncertified and certified support personnel and
29 administrators;

1 (3) classroom teachers; and

2 (4) the granting of long-term leaves without pay but with
3 full return and seniority rights.

4 (c) In determining layoffs, a school district shall comply with
5 certified employee or other collective bargaining agreements that
6 address the issue.

7 (d) Notwithstanding AS 44.62.310, a discussion or presentation
8 of information or options by a school board on the question of em-
9 ployee layoffs or furloughs under this section, including preliminary
10 discussions, presentations and decisions shall take place in a public
11 meeting of the school board.

12 (e) A school board seeking to reduce its staff shall authorize a
13 personnel reduction committee consisting of representatives which
14 proportionately represent each of the employee groups to meet with the
15 school district administration. The committee shall prepare a plan to
16 implement the reduction in force consistent with the fiscal parameters
17 established by the board. The school board shall either approve the
18 plan prepared by the committee or send the plan back, along with
19 specific recommendations for reconsiderations by the committee. If
20 the committee fails to submit a second plan within 10 days that is
21 acceptable to the board, the board shall prepare and implement a plan
22 of its own.

23 Sec. 14.20.178. TEACHERS IN LAYOFF STATUS. (a) A school board
24 shall give a teacher at least 30 days' notice before placing the
25 teacher on layoff status. A teacher, including a teacher who has
26 acquired tenure rights, may be placed on layoff status only when a
27 reduction in staff has been made necessary

28 (1) by a decrease in school attendance; or

29 (2) because funding from all sources for the school

1 district is less than the amount the district received from all
2 sources in fiscal year 1986.

3 (b) A teacher on layoff status does not accrue sick leave. Time
4 spent on layoff status does not count toward the acquisition of tenure
5 rights. However, layoff status does not constitute a break in service
6 for

- 7 (1) determining eligibility for tenure;
- 8 (2) retaining acquired tenure rights;
- 9 (3) retaining accrued sick leave.

10 (c) When a teaching position becomes available in a district
11 that has teachers on layoff status, the district may not fill the
12 position with a teacher who is not on layoff status until the position
13 has been offered to each teacher on layoff status who is qualified for
14 the position. A teacher on layoff status who refuses two offers of
15 employment from the district under this subsection loses

- 16 (1) reemployment rights under this section;
- 17 (2) accrued sick leave;
- 18 (3) any tenure rights acquired before layoff.

19 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

Introduced: 4/18/86
Referred: State Affairs
and Finance

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 SENATE BILL NO. 484

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public employee collective bar-
7 gaining; and providing for an effective date."

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

9 * Section 1. (a) The legislature declares that it is state policy to
10 promote the quality of the public education instruction program and that to
11 do so requires adequate staffing in public schools.

12 (b) A school district that must reduce staff or lay employees off
13 because of declining revenue shall give preference to retaining full-time
14 tenured certificated teachers. To the extent consistent with educational
15 policy and good management, layoffs shall happen in the following order:

16 (1) nonessential noncertificated employees;

17 (2) short-term and long-term substitutes, part-time certificated
18 employees, and part-time certificated administrators;

19 (3) certificated administrators;

20 (4) essential noncertificated employees;

21 (5) full-time nontenured certificated employees;

22 (6) full-time tenured certificated employees.

23 (c) In (b) of this section, a certificated employee is not considered
24 to include an administrator.

25 (d) In determining layoffs, a school district shall comply with
26 collective bargaining agreements that address the issue. If the agreement
27 does not address the issue, then the district shall comply with this sec-
28 tion. If the collective bargaining agreement addresses the issue but
29 conflicts with this section, the district shall negotiate to amend the
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1 agreement to comply with this section.

2 (e) Notwithstanding AS 44.62.310, a discussion or presentation of
3 information or options by a school board on the question of employee lay-
4 offs or furloughs under this section, including preliminary discussions and
5 presentations, shall take place in a public meeting of the school board.

6 * Sec. 2. AS 14.20.175(b) is amended to read:

7 (b) A teacher who has acquired tenure rights is subject to
8 nonretention for the following school year only for the following
9 causes:

10 (1) incompetency, which is defined as the inability or the
11 unintentional or intentional failure to perform the teacher's custo-
12 mary teaching duties in a satisfactory manner;

13 (2) immorality, which is defined as the commission of an
14 act which, under the laws of the state, constitutes a crime involving
15 moral turpitude;

16 (3) substantial noncompliance with the school laws of the
17 state, the regulations or bylaws of the department, the bylaws of the
18 district, or the written rules of the superintendent; or

19 (4) a necessary reduction of staff occasioned by a decrease
20 in school attendance or by a reduction in funding from the state for
21 schools.

22 * Sec. 3. AS 14.20.175(b) is repealed and reenacted to read:

23 (b) A teacher who has acquired tenure rights is subject to
24 nonretention for the following school year only for the following
25 causes:

26 (1) incompetency, which is defined as the inability or the
27 unintentional or intentional failure to perform the teacher's custo-
28 mary teaching duties in a satisfactory manner;

29 (2) immorality, which is defined as the commission of an

1 act which, under the laws of the state, constitutes a crime involving
2 moral turpitude;

3 (3) substantial noncompliance with the school laws of the
4 state, the regulations or bylaws of the department, the bylaws of the
5 district, or the written rules of the superintendent; or

6 (4) a necessary reduction of staff occasioned by a decrease
7 in school attendance.

8 * Sec. 4. AS 23.40.200(b) is amended to read:

9 (b) The class in (a)(1) of this section is composed of police
10 and fire protection employees, jail, prison and other correctional
11 institution employees, other than state troopers, and hospital employ-
12 ees. Employees in this class may not engage in strikes. Upon a
13 showing by a public employer or the labor relations agency that em-
14 ployees in this class are engaging or about to engage in a strike, an
15 injunction, restraining order, or other order which may be appropriate
16 shall be granted by the superior court in the judicial district in
17 which the strike is occurring or is about to occur. If an impasse or
18 deadlock is reached in collective bargaining between the public em-
19 ployer and employees in this class, and mediation has been utilized
20 without resolving the deadlock, the parties shall submit to arbitra-
21 tion to be carried out under AS 09.43.030.

22 * Sec. 5. AS 23.40.200(b) is repealed and reenacted to read:

23 (b) The class in (a)(1) of this section is composed of police
24 and fire protection employees, jail, prison and other correctional
25 institution employees, and hospital employees. Employees in this
26 class may not engage in strikes. Upon a showing by a public employer
27 or the labor relations agency that employees in this class are engag-
28 ing or about to engage in a strike, an injunction, restraining order,
29 or other order which may be appropriate shall be granted by the

1 superior court in the judicial district in which the strike is occur-
2 ring or is about to occur. If an impasse or deadlock is reached in
3 collective bargaining between the public employer and employees in
4 this class, and mediation has been utilized without resolving the
5 deadlock, the parties shall submit to arbitration to be carried out
6 under AS 09.43.030.

7 * Sec. 6. Section 3 of this Act takes effect on the repeal of sec. 1 of
8 this Act.

9 * Sec. 7. Section 5 of this Act takes effect July 1, 1988.

10 * Sec. 8. Sections 1, 2, and 4 of this Act take effect immediately in
11 accordance with AS 01.10.070(c).
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**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SB 484 (Fin)
 Title : Reduction of personnel in
 public education because of
 revenue decreases; efd
 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept of Education
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Senator Jan Falks, Co-chairman Phone : 465-4523
 Division : Senate Finance Committee Date : 5/6/86
 Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ALASKA STATE LEGISLATURE

..14TH. Legislature SECOND. Session

SENATE ...BILL..... NO. ...484..

By ..THE. FINANCE. COMMITTEE.....

"An Act relating to public employees collective bargaining; and providing for an effective date."

Introduced in the Senate ..4/18., 19.86

HISTORY IN THE SENATE

1986		Read first time and referred to Committee on
4	18	State Affairs, Finance
4	27	<i>SA waived</i> Reported back with <i>Finance</i> recommendation that <i>replace w/CS, new title, 4 db pass, 3 no rev to Rules.</i>
5	11	<i>Rules:</i> <i>returned to Finance</i>
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by President
		Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19		Read first time and referred to Committee on
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19		Received from House
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Filed with Lt. Governor
		Chapter No.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SB 484 (Fin)
 Title : Reduction of personnel in
 public education because of
 revenue decreases; efd
 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept of Education
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : _____
 Division : Senator Jan Faiks, Co-chairman Phone : 465-4523
Senate Finance Committee Date : 5/6/86
 Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 484
 Title : "An Act relating to public
 employee collective bargaining; and
 providing for an effective date."
 Sponsor : Senate Finance
 Requestor : Senate State Affairs
 Date of Request : 4/28/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : DPS Administration

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0
FEDERAL FUNDS					
OTHER					
TOTAL	0	0	0	0	0

POSITIONS :

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS : Attach a separate page if necessary

K. J. Vaden
 Prepared by : James D. Vaden Phone : 465-4322
 Division : Commissioner's Office Date : 4/28/86
 Approved by Commissioner : *JB* Date : 4/29/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

SFC-86
5/2/86

SENATE AMENDMENT

By FERGUSON

To: AMEND SENATE BILL No. CSSB 484 (Finance)

To: _____ HOUSE BILL No. _____

PAGE: LINE:

Page 3 Line 2, after "time." insert:

"When reducing its staff, the school board shall consider the financial resources of all persons within a group subject to layoff under (b) of this section before deciding which individuals in the group to lay off. In addition, the school board shall consider whether or not individuals in the group subject to layoff under (b) of this section could have qualified under AS 14.43.650 or AS 14.43.125 or obtained a loan after qualifying under AS 14.43.650 or AS 14.43.125 before deciding which individuals in the group to lay off."

5/6/86

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Original sponsor: Finance Committee

1 IN THE SENATE BY THE FINANCE COMMITTEE
 2 CS FOR SENATE BILL NO. 484 (Finance)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - SECOND SESSION
 5 A BILL

6 For an Act entitled: "An Act relating to reduction of personnel in public
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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 13 future of Alaska's children and of the state itself;
 14 (3) the interaction between pupil and teacher is a most impor-
 15 tant part of a child's learning; and
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 17 effective schools.

18 * Sec. 2. POLICY. The legislature declares that it is state policy to
 19 promote the quality of the public education instruction program and that to
 20 do so requires adequate classroom staffing in public schools.

21 * Sec. 3. AS 14.20.175(b) is amended to read:
 22 (b) A teacher who has acquired tenure rights is subject to
 23 non-retention for the following school year only for the following
 24 causes:
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 26 unintentional or intentional failure to perform the teacher's custo-
 27 mary teaching duties in a satisfactory manner;
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 29 act which, under the laws of the state, constitutes a crime involving

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1 moral turpitude;

2 (3) substantial noncompliance with the school laws of the
3 state, the regulations or bylaws of the department, the bylaws of the
4 district, or the written rules of the superintendent; or

5 (4) a necessary reduction of staff occasioned by a decrease
6 in school attendance or if a reduction is necessary because funding
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8 district received from all sources in fiscal year 1986.

9 * Sec. 4. AS 14.20 is amended by adding new sections to read:

10 Sec. 14.20.177. LIMITATIONS ON REDUCING PERSONNEL. (a) When
11 faced with a reduction in state revenue, a school board shall reduce
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13 with educational policy and good management. The school board shall
14 consider reducing an proportionate ratio of classified support staff,
15 certificated support staff, instructional staff and appropriate non-
16 personnel expenditures at the same time. When reducing its staff, the
17 school board shall consider the financial resources of all persons
18 within a group subject to layoff under (b) of this section before
19 deciding which individuals in the group to lay off. In addition, the
20 school board shall consider whether or not individuals in the group
21 subject to lay off under (b) of this section could have qualified
22 under AS 14.43.650 or AS 14.43.125 or obtained a loan after qualifying
23 under AS 14.43.650 or AS 14.43.125 before deciding which individuals
24 in the group to lay off.

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26 management, layoffs shall happen in the following order:

27 (1) the offering of early retirement incentives;

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29 administrators;

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5 with certified employee or other collective bargaining agreements
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9 ployee layoffs or furloughs under this section, including preliminary
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11 meeting of the school board.

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13 personnel reduction committee consisting of representatives which
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18 plan prepared by the committee or send the plan back, along with
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1 district is less than the amount the district received from all
2 sources in fiscal year 1986.

3 (b) A teacher on layoff status does not accrue sick leave. Time
4 spent on layoff status does not count toward the acquisition of tenure
5 rights. However, layoff status does not constitute a break in service
6 for

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14 the position. A teacher on layoff status who refuses two offers of
15 employment from the district under this subsection loses

- 16 (1) reemployment rights under this section;
- 17 (2) accrued sick leave;
- 18 (3) any tenure rights acquired before layoff.

19 * Sec. 5. This Act take effect immadiately in accordance with AS
20 01.10.070(c).

Cramer
4/28/86 ✓

Original sponsor: Finance Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 484 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

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13 future of Alaska's children and of the state itself;

14 (3) the interaction between pupil and teacher is a most impor-
15 tant part of a child's learning; and

16 (4) strong instructional leadership is a characteristic of
17 effective schools.

18 * Sec. 2. POLICY. The legislature declares that it is state policy to
19 promote the quality of the public education instruction program and that to
20 do so requires adequate classroom staffing in public schools.

21 * Sec. 3. AS 14.20.175(b) is amended to read:

22 (b) A teacher who has acquired tenure rights is subject to
23 nonretention for the following school year only for the following
24 causes:

25 (1) incompetency, which is defined as the inability or the
26 unintentional or intentional failure to perform the teacher's custo-
27 mary teaching duties in a satisfactory manner;

28 (2) immorality, which is defined as the commission of an
29 act which, under the laws of the state, constitutes a crime involving

1 moral turpitude;

2 (3) substantial noncompliance with the school laws of the
3 state, the regulations or bylaws of the department, the bylaws of the
4 district, or the written rules of the superintendent; or

5 (4) a necessary reduction of staff occasioned by a decrease
6 in school attendance or if a reduction is necessary because funding
7 from the state for the school district is less than the amount the
8 district received from the state in fiscal year 1986.

9 * Sec. 4. AS 14.20.175(b) is repealed and reenacted to read:

10 (b) A teacher who has acquired tenure rights is subject to
11 nonretention for the following school year only for the following
12 causes:

13 (1) incompetency, which is defined as the inability or the
14 unintentional or intentional failure to perform the teacher's custo-
15 mary teaching duties in a satisfactory manner;

16 (2) immorality, which is defined as the commission of an
17 act which, under the laws of the state, constitutes a crime involving
18 moral turpitude;

19 (3) substantial noncompliance with the school laws of the
20 state, the regulations or bylaws of the department, the bylaws of the
21 district, or the written rules of the superintendent; or

22 (4) a necessary reduction of staff occasioned by a decrease
23 in school attendance.

24 * Sec. 5. AS 14.20 is amended by adding new sections to read:

25 Sec. 14.20.177. LIMITATIONS ON REDUCING TEACHING STAFFS. (a)
26 When faced with a reduction in state revenue, a school board shall
27 reduce its teaching staff only after determining that it is necessary
28 and consistent with educational policy and good management. The
29 school board shall consider reducing an appropriate ratio of

1 classified support staff, certificated administrative staff, and
2 appropriate nonpersonnel expenditures at the same time.

3 (b) To the extent consistent with educational policy and good
4 management, layoffs shall happen in the following order:

5 (1) noncertificated employees;

6 (2) short-term and long-term substitutes, part-time certi-
7 ficated employees, and part-time certificated administrators;

8 (3) certificated administrators;

9 (4) full-time nontenured certificated employees;

10 (5) full-time tenured certificated employees.

11 (c) In (b) of this section, a certificated employee is not
12 considered to include an administrator.

13 (d) In determining layoffs, a school district shall comply with
14 collective bargaining agreements that address the issue. If the
15 agreement does not address the issue, then the district shall refer
16 the issue to the personnel reduction committee under (f) of this
17 section. If the collective bargaining agreement addresses the issue
18 but conflicts with this section, the district shall negotiate to amend
19 the agreement to comply with this section.

20 (e) Notwithstanding AS 44.62.310, a discussion or presentation
21 of information or options by a school board on the question of em-
22 ployee layoffs or furloughs under this section, including preliminary
23 discussions and presentations, shall take place in a public meeting of
24 the school board.

25 (f) If no collective bargaining agreement exists that addresses
26 staff reduction, then a school board seeking to reduce its staff shall
27 authorize a personnel reduction committee consisting of representa-
28 tives from each of the employee groups to meet with the school dis-
29 trict administration. The committee shall prepare a plan to implement

1 the reduction in force consistent with the policies of this section.
 2 The school board shall implement the plan prepared by the committee
 3 without amendment. However, if the committee fails to agree on a plan
 4 within 45 days after the school board authorized the committee to act,
 5 the school board shall prepare and implement a plan.

6 Sec. 14.20.178. TEACHERS IN LAYOFF STATUS. (a) A school board
 7 shall give a teacher at least 60 days' notice before placing the
 8 teacher on layoff status. A teacher, including a teacher who has
 9 acquired tenure rights, may be placed on layoff status only when a
 10 reduction in staff has been made necessary

11 (1) by a decrease in school attendance; or

12 (2) because funding from the state for the school district
 13 is less than the amount the district received from the state in fiscal
 14 year 1986.

15 (b) A teacher on layoff status does not accrue sick leave. Time
 16 spent on layoff status does not count toward the acquisition of tenure
 17 rights. However, layoff status does not constitute a break in service
 18 for

19 (1) determining eligibility for tenure;

20 (2) retaining acquired tenure rights;

21 (3) retaining accrued sick leave.

22 (c) When a teaching position becomes available in a district
 23 that has teachers on layoff status, the district may not fill the
 24 position with a teacher who is not on layoff status until the position
 25 has been offered to each teacher on layoff status who is qualified for
 26 the position. A teacher on layoff status who refuses two offers of
 27 employment from the district under this subsection loses

28 (1) reemployment rights under this section;

29 (2) accrued sick leave;

1 (3) any tenure rights acquired before layoff.

2 * Sec. 7. Section 4 of this Act takes effect on the repeal of AS 14.-
3 20.177 - 14.20.178.

4 * Sec. 8. Sections 1 - 3 and 5 - 6 of this Act take effect immediately
5 in accordance with AS 01.10.070(c).

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Introduced: 4/18/86
Referred: State Affairs
and Finance

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

SENATE BILL NO. 484

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to public employee collective bar-
7 gaining; and providing for an effective date."

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

9 * Section 1. (a) The legislature declares that it is state policy to
10 promote the quality of the public education instruction program and that to
11 do so requires adequate staffing in public schools.

12 (b) A school district that must reduce staff or lay employees off
13 because of declining revenue shall give preference to retaining full-time
14 tenured certificated teachers. To the extent consistent with educational
15 policy and good management, layoffs shall happen in the following order:

16 (1) nonessential noncertificated employees;

17 (2) short-term and long-term substitutes, part-time certificated
18 employees, and part-time certificated administrators;

19 (3) certificated administrators;

20 (4) essential noncertificated employees;

21 (5) full-time nontenured certificated employees;

22 (6) full-time tenured certificated employees.

23 (c) In (b) of this section, a certificated employee is not considered
24 to include an administrator.

25 (d) In determining layoffs, a school district shall comply with
26 collective bargaining agreements that address the issue. If the agreement
27 does not address the issue, then the district shall comply with this sec-
28 tion. If the collective bargaining agreement addresses the issue but
29 conflicts with this section, the district shall negotiate to amend the

1 agreement to comply with this section.

2 (e) Notwithstanding AS 44.62.310, a discussion or presentation of
3 information or options by a school board on the question of employee lay-
4 offs or furloughs under this section, including preliminary discussions and
5 presentations, shall take place in a public meeting of the school board.

6 * Sec. 2. AS 14.20.175(b) is amended to read:

7 (b) A teacher who has acquired tenure rights is subject to
8 nonretention for the following school year only for the following
9 causes:

10 (1) incompetency, which is defined as the inability or the
11 unintentional or intentional failure to perform the teacher's custo-
12 mary teaching duties in a satisfactory manner;

13 (2) immorality, which is defined as the commission of an
14 act which, under the laws of the state, constitutes a crime involving
15 moral turpitude;

16 (3) substantial noncompliance with the school laws of the
17 state, the regulations or bylaws of the department, the bylaws of the
18 district, or the written rules of the superintendent; or

19 (4) a necessary reduction of staff occasioned by a decrease
20 in school attendance or by a reduction in funding from the state for
21 schools.

22 * Sec. 3. AS 14.20.175(b) is repealed and reenacted to read:

23 (b) A teacher who has acquired tenure rights is subject to
24 nonretention for the following school year only for the following
25 causes:

26 (1) incompetency, which is defined as the inability or the
27 unintentional or intentional failure to perform the teacher's custo-
28 mary teaching duties in a satisfactory manner;

29 (2) immorality, which is defined as the commission of an

1 act which, under the laws of the state, constitutes a crime involving
2 moral turpitude;

3 (3) substantial noncompliance with the school laws of the
4 state, the regulations or bylaws of the department, the bylaws of the
5 district, or the written rules of the superintendent; or

6 (4) a necessary reduction of staff occasioned by a decrease
7 in school attendance.

8 * Sec. 4. AS 23.40.200(b) is amended to read:

9 (b) The class in (a)(1) of this section is composed of police
10 and fire protection employees, jail, prison and other correctional
11 institution employees, other than state troopers, and hospital employ-
12 ees. Employees in this class may not engage in strikes. Upon a
13 showing by a public employer or the labor relations agency that em-
14 ployees in this class are engaging or about to engage in a strike, an
15 injunction, restraining order, or other order which may be appropriate
16 shall be granted by the superior court in the judicial district in
17 which the strike is occurring or is about to occur. If an impasse or
18 deadlock is reached in collective bargaining between the public em-
19 ployer and employees in this class, and mediation has been utilized
20 without resolving the deadlock, the parties shall submit to arbitra-
21 tion to be carried out under AS 09.43.030.

22 * Sec. 5. AS 23.40.200(b) is repealed and reenacted to read:

23 (b) The class in (a)(1) of this section is composed of police
24 and fire protection employees, jail, prison and other correctional
25 institution employees, and hospital employees. Employees in this
26 class may not engage in strikes. Upon a showing by a public employer
27 or the labor relations agency that employees in this class are engag-
28 ing or about to engage in a strike, an injunction, restraining order,
29 or other order which may be appropriate shall be granted by the

1 superior court in the judicial district in which the strike is occur-
2 ring or is about to occur. If an impasse or deadlock is reached in
3 collective bargaining between the public employer and employees in
4 this class, and mediation has been utilized without resolving the
5 deadlock, the parties shall submit to arbitration to be carried out
6 under AS 09.43.030.

7 * Sec. 6. Section 3 of this Act takes effect on the repeal of sec. 1 of
8 this Act.

9 * Sec. 7. Section 5 of this Act takes effect July 1, 1988.

10 * Sec. 8. Sections 1, 2, and 4 of this Act take effect immediately in
11 accordance with AS 01.10.070(c).

Sectional Analysis
for

CSSB 484 (Finance) - Reduction of Personnel in
Public Education Because of Revenue Decreases

CSSB 484 (Finance) is intended to provide temporary measures by which a school district can implement a reduction in force process due to decreasing financial support from the state. The bill recognizes the important role of the classroom teacher and establishes a layoff procedure through which, when possible, the classroom is the last area impacted by reduced revenues.

Because the bill's provisions regarding a layoff procedure is intended to be temporary, all sections except for section 4 have an immediate effective date. Once these sections are repealed by the Legislature, the statute will revert back to the provisions currently contained in AS 14.20.175(b) regarding nonretention (which is also the language contained in section 4).

Section 1. FINDINGS. Expresses the Legislature's findings regarding elements of quality education.

Section 2. POLICY. Expresses that it is state policy to promote quality education and important to that is an adequate level of classroom staffing.

Section 3. Amends current nonretention of teachers statute by providing that there can be a reduction in staff due to a decrease below the amount of funds a district received in FY 86.

Section 4. Sections 1 - 3 and 5 - 6 are effective immediately while section 4 becomes effective when sections 1 - 3 and 5 - 6 are repealed. This is because all sections except section 4 are meant as temporary measures to address the reduction in force process due to declining revenues. Once these sections are repealed by the Legislature, the statute regarding nonretention would revert back to the original language as stated in section 4.

Section 5. LIMITATIONS ON REDUCING TEACHING STAFFS.

(a) When a school district has a reduction in state revenues and the school board determines it is necessary to reduce teaching staff, the board shall consider making the reductions in a ratio of classified support staff,

certificated administrative staff and other nonpersonnel expenditures.

(b) To the degree possible, layoffs should be in the following order:

- noncertificated employees
- short-term and long-term substitutes, part-time certificated employees, and part-time certificated administrators;
- certificated administrators
- full-time nontenured certificated employees
- full-time tenured certificated employees

(c) For the above layoff list, administrators are not considered certificated employees.

(d) For the layoff process, the district shall comply with any collective bargaining agreement which addresses this issue. If an agreement does not have any such provisions, the issue of layoff procedures shall be referred to the Personnel Reduction Committee established in section (f). If the collective bargaining agreement conflicts with this section, the district shall negotiate to amend the agreement to comply.

(e) As permitted by law, all discussions by the school board shall take place in a public meeting.

(f) In the collective bargaining has no provision regarding staff reduction, the school board shall appoint a Personnel Reduction Committee. The committee shall be comprised of representatives from the employee groups and school district administration. The committee shall prepare a layoff plan and the school board shall implement the committee's recommendations. If, however, the committee can not agree on a plan within 45 days, the school board is authorized to prepare the plan itself.

Sec. 14.20.178. TEACHERS IN LAYOFF STATUS.

(a) Requires that a school board give a teacher at least 60 days notice before being placed on layoff status. A teacher can only be placed on layoff status due to a decrease in school attendance or state funding has fallen below the amount the district received in FY 86.

(b) A teacher on layoff status does not accrue sick leave nor does the time count toward acquisition of tenure. It also does not count as a break in service for determining tenure eligibility, retaining acquired tenure right, or retaining accrued sick leave.

(c) When a teaching position opens up in a school district where teachers are on layoff status, the district can not fill the position until it has been offered to each qualified teacher on layoff status. A teachers who refuses two such offers of employment loses reemployment rights under this section, accrued sick leave and any tenure rights acquired before layoff.

Section 7. Provides that Section 4 becomes effective when the other sections are repealed.

Section 8. Immediate effective date for the sections 1 - 3 and 5 - 6.

CSSB 484 (Fin)

Section 1. Legislative Findings.

Section 2. To promote quality education within Alaska.

Section 3. New provisions that allow an expansion of the reasons for non-retention of tenured teachers to include a reduction in revenue.

Section 4. Provides a process by which school boards shall reduce personnel in cases of reduction of revenue. The process shall include:

(1) A ratio of classified and certificated support staff, instructional staff and non-personnel expenditures.

(2) Shall consider the financial resources of persons subject to layoff.

(3) Consideration of employees with student loans when determining individuals for layoff.

Requires in the layoff process consideration of:

(1) Offering of early retirement incentives;

(2) non-certified and certified support personnel shall be considered for layoff status before classroom teachers and the use of long term leaves shall be considered.

Requires that school boards deliberate layoff potentials in open session.

Provides for a personnel reduction committee made up of members from each of the employee groups. The committee shall meet with the Administration and recommend a reduction plan. The plan must be approved by the Board.

Provides that a school board shall give a teacher at least 30 days notice and that accrued benefits are retained by a teacher while on layoff status.

A teacher however, does not accrue new benefits while on layoff.

This section also provides for reinstatement provisions, wherein no new teachers will be hired until positions have been offered to personnel on layoff status who are qualified.

Section 5. Effective date clause - immediately.