

SB

170

Alaska State Legislature



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Senate Committee on Health, Education and Social Services

SB 170 On-the-Job Assault Injuries

SPONSOR STATEMENT

In recent years, parents and educators have been looking for ways to ensure the safety of the children and employees of the schools, SB 170 accomplishes this. This bill is being introduced at the request of NEA-Alaska and the companion bill in the house is HB 226 by Rep. John Coghill.

The legislation provides for a teacher or other employee of the public school system placed on leave without pay because of injuries received from an on -the-job assault to accrue credited service:

This legislation amends the Teacher's Retirement System (**TERS**) so a teacher unable to work due to on an on-the-job injury or occupational illness for which the teacher is receiving workers' compensation may opt to purchase credited service. Public employees already have this option under the Public Employees Retirement System (**PERS**)

The legislation is very basic and accomplishes two things:

Provides equity of credited service between TERS and PERS

Provides that when an employee of a public school loses work time from the physical assault on the job, the employer would contribute to the employees' credited service.

Thank you for the consideration of this bill.



NEA-ALASKA

Affiliated with the National Education Association

SB 170 – Education Employees and On-the-Job Injuries

May 11, 1999

NEA-Alaska supports SB 170. The bill will prevent either a loss of retirement service credit or out of pocket expense for school personnel injured through physical assault while at work. We offer the following thoughts in support of SB 170.

The 30th Annual Phi Delta Kappa/Gallup Poll of Public Attitudes Toward the Public Schools showed that concern about fighting and violence replaces lack of discipline, need for more control, and lack of financial support as the top problems facing local public schools.

School personnel are equally concerned about safety, order and discipline within schools and classrooms. The number of violent incidents against school staff has increased. School districts seek to identify ways to control and reduce violent acts within schools. The responsibility for control of classrooms falls directly on teachers and support personnel.

Because of the dedicated work of school staff, schools remain the safest place for students. However, as school personnel work to make our schools safe for all children, occasionally a staff member will sustain an injury as a result of a physical assault. If this should occur, an employee on worker's compensation as a result of injury or on an unpaid leave of absence associated with this type of injury will either lose money or service time in their respective retirement systems.

SB 170 provides a element of relief for a school staff person assaulted while in the line of duty by requiring the employer to pay either the TRS or PERS contribution for school personnel on leave due to on-the-job physical assault. SB 170 will eliminate a break in service retirement credit.

NEA-Alaska appreciates the work of Senator Mike Miller in correcting a weakness in the PERS and TRS statutes for school personnel who work each day to make our schools safe places for children and families.

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Cheryl Rankin
Dean Whaley School

April 29, 1999

It was a cold January day in 1993 and I was a special education secondary teacher at Whaley School. Whaley School is a specialized educational school for students who are certified severely emotionally disturbed. My secondary class was in physical education and because they had been somewhat unruly that day I was assisting the physical education teacher. One 11th grade boy was verbally and physically threatening another student. The 11th grader (I'll call him X) had a bat in his hand and was swinging it around in an extremely dangerous way. The boy he was threatening was yelling for assistance. I intervened on behalf of the victim and tried to talk the 11th grader into leaving the area. At that point I was approximately 6 feet away from X. X began walking towards the door and I followed him at that same distance when, without any warning he swung around and charged me catapulting me into the air like a rag doll. According to two staff members who witnessed the incident, I flew approximately 10 feet into the air and 15 feet across the gymnasium before landing on my lower spine with my head snapping back and cracking on the gymnasium floor. (At this point I should say X was about 5'10" and weighed approximately 215 lbs. I am 5'2" and weigh approximately 110 lbs). My body felt paralyzed and I was unable to move at all for several minutes. I laid there completely unable to move while staff worked on me. The rest of my students were extremely agitated at what had happened and other staff members worked with them also. 911 was called and an ambulance arrived shortly to transport me to Providence Hospital. The paramedics placed me on a backboard and immobilized me for transportation. On a level of 0 - 10 for pain, with 0 being no pain and 10 being the worst pain you have ever experienced, I would have to say the pain was a 10 and covered my entire body. I was kept at the hospital for several hours and was finally released with a diagnosis of trauma to the back. The hospital gave me anti-inflammatories and pain medication that I took daily until I was able to return to work two weeks later.

Within 2 days ^x of my returning to work, I again was put in a situation where I had to intervene between students and ^{11th}re-injured causing me to be off work for another week.

I received Workman's Compensation for the time lost from work due to these injuries, however, because at that time Workman's Comp is based on an average of the three previous years salary (and I had worked as a substitute teacher during one of these years) my average salary was not an accurate reflection of what I actually made. Therefore, monies contributed to my retirement account were, again, not an accurate reflection of my true earnings. I feel that due to my being injured on the job, I have lost money from my retirement account. Also, due to the chronic nature of my injury, I have lost, every year since my injury, approximately 4 - 6 sick days yearly. Because those days are generally not consecutive, Workman's Comp. does not cover them and I must use my personal sick days. I seldom use my personal or sick days, however, sick days lost through this act of aggression towards me, while I was doing my job, are sick days lost and cannot be applied towards my retirement or cashed out.

I am continually plagued by this injury and spend many of my own hours making doctor's and physical therapy appointments. I am no longer able to cross country ski and have difficulty sitting for more than a half hour at a time.