

Descriptor Term: STRIKES BY TEACHERS

Descriptor Code: GBQA

Rescinds: GBQA

Board Approved: 6/26/2006

Previously Approved: 11/02/1998

The Board of Trustees adopts Mississippi Code 1972, §37-9-75 - Strikes by Teachers as Policy GBQA - Strikes. This policy reflects the exact wording of Mississippi Code 1972, §37-9-75.

"Strike" means a concerted failure to report for duty, a willful absence from one's position, the stoppage of work, a deliberate slowing down of work, or the withholding, in whole or in part, of the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of public employment; provided, however, that nothing herein will limit or impair the right of any certificated teacher to express or communicate a complaint or opinion on any matter related to the conditions of employment so long as the same is not designed and does not interfere with the full, faithful and proper performance of the duties of employment.

"Certified teacher" will mean the following employees of the Gulfport School District: classroom teachers, supervisors of programs, librarians, guidance personnel, audiovisual personnel and vocational directors.

It is hereby declared that strike, concerted work stoppage or concerted refusal to perform lawful duties in any manner by certified teachers against public school districts within the State of Mississippi will be illegal, unprotected and contrary to the public policy of the State of Mississippi.

No certified teacher, group of certified teachers or teacher organization will promote, encourage or participate in any strike against a public school district, the State of Mississippi or any agency thereof.

No person exercising any authority, supervision or direction over any certified teacher will have the power to authorize, approve or consent to a strike by one or more certified teachers, and such person will not authorize, approve or consent to such strike. No local school governing board or any person exercising authority, supervision or direction over any public school will attempt to close or curtail the operations of the public school, or to change or alter in any manner the schedule of operations of said school in order to circumvent the full force and effect of this statute. In the event of a strike against the public school, the local school governing board will continue school operations as long as practicable in order to ascertain which teachers are on strike, and certify the names of such teachers to the Attorney General. Any member of a local school governing board or public school administrator who violates this subsection will be guilty of a misdemeanor and upon conviction will be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each day such violation continues.

Chancery courts having jurisdiction of the parties are vested with authority to hear and determine all actions alleging violations of subsection (3) of this section. Suits to enjoin violations of subsection (3) of this section will have priority over all matters on the court's docket except other emergency matters.

If a certified teacher, a group of certified teachers, a teacher organization, or any officer, agent or representative of any teacher organization engages in a strike in violation of sub-section (3) of this section, any public school district whose employees are involved or whose employees may be affected by the strike shall file suit to enjoin the strike in the Chancery Court of the First Judicial District of Harrison County, Mississippi, or in the chancery court having proper jurisdiction and proper venue of such actions. The chancery court will conduct a hearing with notice to all interested parties, at the earliest practicable time. If the complainant makes a prima facie showing that a violation of subsection (3) of this section is in progress or that there is a clear, real and present danger that such strike is about to commence, the chancery court will issue a temporary restraining order enjoining the strike. Upon final hearing, the chancery court will either make the injunction permanent or dissolve it.

If an injunction to enjoin a strike issued pursuant to this section is not promptly complied with, on the application of the complainant, the chancery court will immediately initiate contempt proceedings against those who appear to be in violation. A teacher organization found to be in contempt of court for violating an injunction against a strike will be fined up to Twenty Thousand Dollars (\$20,000.00) for each such calendar day. The fines so collected will immediately accrue to the District and will be used by it to replace those services denied the public as a result of the strike. Each officer, agent or representative of a teacher organization found to be in contempt of court for violating an injunction against a teacher organization will be liable for any damages which might be suffered by a public employer as a result of a violation of the provisions of subsection (3) of this section by the teacher organization or its representatives, officers and agents. The chancery court having jurisdiction over such actions is empowered to enforce judgment against teacher organizations by the attachment or garnishment of organization initiation fees or dues.

If the court, after a hearing or notice, determines that a certified teacher has violated subsection (3) of this section, it will order the termination of his or her employment by the Gulfport School District. No person knowingly violating the provision of said subsection may, subsequent to such violation, be employed or reemployed as a teacher by any public school district in the state unless the court first finds a public necessity therefor.

The provisions of this subsection (8) will be cumulative and supplemental to any other applicable provision of law. §37-9-75

Legal Reference: Mississippi Code 1972, as cited above