

1 SHALL INCLUDE A SHOWING OF PROJECTED INCREASES IN CONTRACTUALLY MANDATED
2 COSTS, PENSION COSTS, HEALTH CARE COSTS, UTILITY COSTS, AND OTHER
3 EXPENDITURES, EXCEED REVENUES FROM STATE AID AND OTHER REVENUES. SUCH
4 PUBLIC HEARING SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF ARTICLE
5 SEVEN OF THE PUBLIC OFFICERS LAW.

6 S 3851. TEMPORARY FREEZE OF EXPENDITURE INCREASES. 1. NOTWITHSTANDING
7 ANY OTHER PROVISION OF LAW TO THE CONTRARY, UPON THE DECLARATION OF A
8 FISCAL EMERGENCY PURSUANT TO SECTION THIRTY-EIGHT HUNDRED FIFTY OF THIS
9 ARTICLE THE SCHOOL BOARD SHALL HAVE THE AUTHORITY TO FREEZE ANY
10 INCREASES IN EXPENDITURES IN A MANNER THAT MINIMIZES ANY ADVERSE IMPACT
11 ON STUDENT EDUCATION. EXPENDITURE FREEZES MAY INCLUDE FREEZING EMPLOYEE
12 SALARIES AND ANY CONTRACTUALLY NEGOTIATED INCREASES TO EMPLOYEE SALARIES
13 PROVIDED THAT BEFORE IMPLEMENTING A SALARY FREEZE THE SCHOOL BOARD
14 DETERMINES BY A MAJORITY VOTE THAT: A. THE SCHOOL BOARD HAS CONSIDERED
15 ALL OTHER REASONABLE ALTERNATIVES PRIOR TO IMPAIRING ANY EXISTING
16 EMPLOYEE CONTRACTS; B. NO OTHER REASONABLE COURSE OF ACTION WOULD SERVE
17 ITS PURPOSE; AND C. ITS ACTIONS ARE REASONABLE IN LIGHT OF THE
18 SURROUNDING CIRCUMSTANCES.

19 2. ALL EXPENDITURE FREEZES APPROVED BY THE SCHOOL BOARD SHALL BE
20 DISCLOSED AT A PUBLIC HEARING CONDUCTED PURSUANT TO THE PROVISIONS OF
21 ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

22 S 3852. RESTRUCTURING OPERATIONS. 1. NOTWITHSTANDING ANY OTHER
23 PROVISION OF THE LAW TO THE CONTRARY SHOULD A SCHOOL BOARD VOTE AFFIRMA-
24 TIVELY TO ADOPT AN EMPLOYEE SALARY FREEZE THE SCHOOL BOARD SHALL BE
25 REQUIRED TO COMPLY WITH ALL THE PROVISIONS OF THIS SECTION.

26 2. THE SCHOOL BOARD SHALL ENTER INTO A NINETY-DAY PERIOD OF NEGOTI-
27 ATIONS WITH ITS EMPLOYEES AND/OR THEIR DULY APPOINTED REPRESENTATIVES.
28 AT THE REQUEST OF EITHER PARTY, A PUBLIC EMPLOYMENT RELATIONS BOARD
29 MEDIATOR SHALL BE ASSIGNED TO OVERSEE AND ASSIST SUCH NEGOTIATIONS.

30 3. UPON EXPIRATION OF SUCH NINETY-DAY PERIOD THE SCHOOL BOARD SHALL
31 HAVE THE POWER TO RESTRUCTURE OPERATIONS INCLUDING CHANGING THE TERMS
32 AND CONDITIONS OF ANY CURRENT EMPLOYMENT CONTRACTS, ADJUSTING PAY LEVELS
33 AND MANDATORY STAFFING REQUIREMENTS, WORK RULES, AND HEALTH INSURANCE
34 BENEFITS AND CONTRIBUTIONS. TO IMPLEMENT ANY MEASURE THAT IMPAIRS ANY
35 EMPLOYEES' RIGHTS UNDER A CURRENT CONTRACT THE SCHOOL BOARD SHALL BE
36 REQUIRED TO SHOW:

37 A. THAT PERFORMANCE UNDER THE CURRENT CONTRACT TERMS WOULD HAVE AN
38 ADVERSE IMPACT ON STUDENT EDUCATION DUE TO FISCAL CONSTRAINTS;

39 B. THAT THE SCHOOL BOARD HAS CONSIDERED ALL OTHER REASONABLE ALTERNA-
40 TIVES PRIOR TO IMPAIRING ANY EXISTING EMPLOYEE CONTRACTS AND NO OTHER
41 COURSE OF ACTION WOULD BETTER SERVE ITS PURPOSE; AND

42 C. THE SCHOOL BOARD'S ACTIONS ARE REASONABLE IN LIGHT OF THE SURROUND-
43 ING CIRCUMSTANCES.

44 4. ANY REVISED CONTRACTS SHALL REMAIN IN EFFECT UNTIL A NEW COLLECTIVE
45 BARGAINING AGREEMENT IS NEGOTIATED.

46 5. THE PROVISIONS OF SECTIONS FIFTEEN HUNDRED FIVE-A, EIGHTEEN HUNDRED
47 FOUR, NINETEEN HUNDRED SEVENTEEN, NINETEEN HUNDRED SEVENTEEN-A, TWENTY-
48 FIVE HUNDRED TEN, TWENTY-FIVE HUNDRED EIGHTY-EIGHT, THREE THOUSAND THIR-
49 TEEN, THREE THOUSAND FOURTEEN-A, THREE THOUSAND FOURTEEN-B, THREE THOU-
50 SAND FOURTEEN-C, AND THREE THOUSAND FOURTEEN-D OF THIS CHAPTER
51 PERTAINING TO SENIORITY BASE EMPLOYEE RETENTION SHALL NOT APPLY WHEN A
52 SCHOOL BOARD HAS DECLARED A FISCAL EMERGENCY PURSUANT TO SECTION THREE
53 THOUSAND EIGHT HUNDRED FIFTY OF THIS ARTICLE AND IS IN THE PROCESS OF
54 RESTRUCTURING OPERATIONS UNDER THE PROVISIONS OF THIS SECTION. DECISIONS
55 ON THE RETENTION OF TEACHERS, SHOULD POSITIONS BE ABOLISHED, SHALL BE
56 BASED ON A NUMBER OF FACTORS INCLUDING, BUT NOT LIMITED TO: THE

1 SCHOOLS' NEEDS FOR PARTICULAR LICENSE AREAS; THE ANNUAL PROFESSIONAL
2 PERFORMANCE REVIEW CONDUCTED PURSUANT TO SECTION THREE THOUSAND TWELVE-C
3 OF THIS CHAPTER, AVAILABLE STUDENT PERFORMANCE DATA; ATTENDANCE; AN
4 ASSESSMENT OF THE TEACHER'S PERFORMANCE BY THE TEACHER'S BUILDING PRIN-
5 CIPAL OR OTHER BUILDING ADMINISTRATOR IN CHARGE OF THE SCHOOL OR
6 PROGRAM; THE EDUCATIONAL QUALIFICATIONS OF THE TEACHER INCLUDING CURRIC-
7 ULUM SPECIALIZED EDUCATION, DEGREES, LICENSES, OR AREAS OF EXPERTISE;
8 THE LENGTH OF SATISFACTORY SERVICE; AND OTHER FACTORS RELATED TO THE
9 TEACHER'S EXPERIENCE AND DEMONSTRATED ABILITY. THE TEACHER'S SALARY
10 SHALL NOT BE A FACTOR IN MAKING A LAYOFF RECOMMENDATION. THE BOARD OF
11 EDUCATION SHALL EXERCISE ITS DISCRETION AND SHALL APPROVE OR REJECT THE
12 RECOMMENDATIONS OF THE SUPERINTENDENT SO AS TO MINIMIZE THE ADVERSE
13 IMPACT ON STUDENT EDUCATION.

14 6. SCHOOL BOARDS SHALL HAVE THE AUTHORITY TO ENTER INTO NEW COLLECTIVE
15 BARGAINING AGREEMENTS THAT ALTER EMPLOYEE CONTRIBUTION REQUIREMENTS
16 AND/OR THE AMOUNT OF EMPLOYEE SALARIES CONSIDERED BY THE RETIREMENT
17 SYSTEM FOR PENSION PURPOSES.

18 7. THE SCHOOL BOARD SHALL INCLUDE ANALYSIS OF OTHER PLAUSIBLE MEANS OF
19 RAISING REVENUE, AND UPON A MAJORITY VOTE IMPLEMENT SUCH MEASURES BEFORE
20 REDUCING EMPLOYEE SALARIES OR BENEFITS OR UTILIZE SUCH REVENUE TO OFFSET
21 REDUCTIONS IN EMPLOYEE SALARIES OR BENEFITS.

22 S 3853. RESTRUCTURING PLAN. THE SCHOOL BOARD SHALL BE REQUIRED TO
23 SUBMIT A RESTRUCTURING PLAN TO THE DEPARTMENT. SUCH RESTRUCTURING PLAN
24 SHALL PROVIDE DETAILED ANALYSIS OF THE BOARD'S COMPLIANCE WITH SECTION
25 THREE THOUSAND EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE.

26 S 2. This act shall take effect immediately and shall expire December
27 31, 2014, when upon such date the provisions of this act shall be deemed
28 repealed.