

By: Representatives Banks, Stamps

To: Education

HOUSE BILL NO. 1292

1 AN ACT TO AMEND SECTION 37-9-75, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW TEACHERS TO PARTICIPATE IN WORK STRIKES AGAINST THE PUBLIC  
3 SCHOOL DISTRICT OF EMPLOY, THE STATE OF MISSISSIPPI OR ANY AGENCY  
4 THEREOF IN ANY YEAR THAT THE MISSISSIPPI LEGISLATURE DOES NOT  
5 PROVIDE TEACHERS WITH A SALARY INCREASE; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 37-9-75, Mississippi Code of 1972, is  
8 amended as follows:

9 37-9-75. (1) For purposes of this section:

10 (a) "Strike" means a concerted failure to report for  
11 duty, a willful absence from one's position, the stoppage of work,  
12 a deliberate slowing down of work, or the withholding, in whole or  
13 in part, of the full, faithful and proper performance of the  
14 duties of employment, for the purpose of inducing, influencing or  
15 coercing a change in the conditions, compensation, rights,  
16 privileges or obligations of public employment; provided, however,  
17 that nothing herein shall limit or impair the right of any  
18 certified teacher to express or communicate a complaint or opinion  
19 on any matter related to the conditions of public employment so



20 long as the same is not designed and does not interfere with the  
21 full, faithful and proper performance of the duties of employment.

22 (b) "Certified teacher" shall mean the following  
23 employees of public school districts: classroom teachers,  
24 supervisors of programs, librarians, guidance personnel,  
25 audiovisual personnel and vocational directors.

26 (2) Except as otherwise provided in subsection (3) of this  
27 section, it is hereby declared that a strike, concerted work  
28 stoppage or concerted refusal to perform lawful duties in any  
29 manner by certified teachers against public school districts  
30 within the State of Mississippi shall be illegal, unprotected and  
31 contrary to the public policy of the State of Mississippi.

32 (3) No certified teacher, group of certified teachers or  
33 teacher organization shall promote, encourage or participate in  
34 any strike against a public school district, the State of  
35 Mississippi or any agency thereof. However, in any year in which  
36 certified teachers, who are compensated in accordance with the  
37 teacher salary scale established under Section 37-19-7, do not  
38 receive a legislative pay increase during any Regular Session of  
39 the Mississippi Legislature, any such teacher or group of teachers  
40 may participate in any strike against a public school district,  
41 the State of Mississippi, or any agency thereof.

42 (4) No person exercising any authority, supervision or  
43 direction over any certified teacher shall have the power to  
44 authorize, approve or consent to a strike by one or more certified



45 teachers, and such person shall not authorize, approve or consent  
46 to such strike. No local school governing board or any person  
47 exercising authority, supervision or direction over any public  
48 school shall attempt to close or curtail the operations of the  
49 public school, or to change or alter in any manner the schedule of  
50 operations of said school in order to circumvent the full force  
51 and effect of this statute. In the event of a strike against the  
52 public school, the local school governing board shall continue  
53 school operations as long as practicable in order to ascertain  
54 which teachers are on strike, and certify the names of such  
55 teachers to the Attorney General. Any member of a local school  
56 governing board or public school administrator who violates this  
57 subsection shall be guilty of a misdemeanor and upon conviction  
58 shall be fined not less than One Hundred Dollars (\$100.00) nor  
59 more than Two Hundred Fifty Dollars (\$250.00) for each day such  
60 violation continues.

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

67 (6) If a certified teacher, a group of certified teachers, a  
68 teacher organization, or any officer, agent or representative of  
69 any teacher organization engages in a strike in violation of



70 subsection (3) of this section, any public school district whose  
71 employees are involved or whose employees may be affected by the  
72 strike shall file suit to enjoin the strike in the Chancery Court  
73 of the First Judicial District of Hinds County, Mississippi, or in  
74 the chancery court having proper jurisdiction and proper venue of  
75 such actions. The chancery court shall conduct a hearing with  
76 notice to all interested parties, at the earliest practicable  
77 time. If the complainant makes a prima facie showing that a  
78 violation of subsection (3) of this section is in progress or that  
79 there is a clear, real and present danger that such a strike is  
80 about to commence, the chancery court shall issue a temporary  
81 restraining order enjoining the strike. Upon final hearing, the  
82 chancery court shall either make the injunction permanent or  
83 dissolve it.

84 (7) If an injunction to enjoin a strike issued pursuant to  
85 this section is not promptly complied with, on the application of  
86 the complainant, the chancery court shall immediately initiate  
87 contempt proceedings against those who appear to be in violation.  
88 A teacher organization found to be in contempt of court for  
89 violating an injunction against a strike shall be fined up to  
90 Twenty Thousand Dollars (\$20,000.00) for each such calendar day.  
91 The fines so collected shall immediately accrue to the school  
92 district and shall be used by it to replace those services denied  
93 the public as a result of the strike. Each officer, agent or  
94 representative of a teacher organization found to be in contempt



95 of court for violating an injunction against a teacher  
96 organization shall be liable for any damages which might be  
97 suffered by a public employer as a result of a violation of the  
98 provisions of subsection (3) of this section by the teacher  
99 organization or its representatives, officers and agents. The  
100 chancery court having jurisdiction over such actions is empowered  
101 to enforce judgment against teacher organizations by the  
102 attachment or garnishment of organization initiation fees or dues.

103 (8) If the court, after a hearing on notice, determines that  
104 a certified teacher has violated subsection (3) of this section,  
105 it shall order the termination of his or her employment by the  
106 public school district. No person knowingly violating the  
107 provision of said subsection may, subsequent to such violation, be  
108 employed or reemployed as a teacher by any public school district  
109 in the state unless the court first finds a public necessity  
110 therefor.

111 The provisions of this subsection (8) shall be cumulative and  
112 supplemental to any other applicable provision of law.

113 **SECTION 2.** This act shall take effect and be in force from  
114 and after July 1, 2022.

