

CONCERTED ACTION/WORK STOPPAGE

The Governing Board believes that strikes, walkouts or other strategies involving the withholding of services are clearly harmful to the public interest because they are intended to achieve material gains for employees by depriving students of the education to which they are entitled.

To serve the interests of students and the public, the Board intends to keep the schools open during any work stoppage as long as the safety and welfare of students and the security of district property can be maintained.

The Superintendent or designee shall maintain a plan for the safe operation of the schools in the event of a work stoppage.

In the event of a strike, a walkout, a coordinated mass use of sick leave or any other concentrated refusal of staff to perform assigned duties, the Superintendent or designee shall take whatever emergency steps he/she deems necessary for the safety of students, staff and district property. Such steps shall be reported to the Board as soon as possible.

When students raise questions related to a work stoppage, teachers shall be expected to approach the subject in accordance with the district's policy on controversial issues. Teachers shall not let such discussions interfere with their regular teaching responsibilities.

(cf. 6144 - Controversial Issues)

Students shall not carry home messages that promote or explain the position of any employee organization that is engaged in or contemplating a work stoppage.

Legal Reference:

EDUCATION CODE

35204 *Contract with attorney in private practice*

35205 *Contract for legal services*

GOVERNMENT CODE

3540-3549.1 *Meeting and negotiating in public educational employment*

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The Superintendent or designee may implement the following procedures when he/she determines that a threat or actual withholding of employee services exists.

Withholding of Services

1. Withholding of services is defined as nonperformance of assigned duties and responsibilities because of collective or individual refusal to provide service, unauthorized use of sick leave, unauthorized use of other leave benefits, nonattendance at required meetings or failure to perform supervisory functions at school-sponsored activities.
2. An employee is deemed to have withdrawn services when and wherever the employee is absent from prescribed duties.
3. From the first day of withholding of services, no warrant shall be drawn in favor of any employee who has not faithfully performed all of his/her prescribed duties.
4. If a no-strike clause is included in the collective bargaining agreement or the court determines that such a clause is implied, the withdrawal of services may constitute a breach of contract and a violation of Board policies and administrative regulations which may result in the initiation of dismissal procedures or other appropriate disciplinary action. In such cases, employees will receive a formal notification of their breach of contract and violation of Board policy and administrative regulations. A copy of this notification will be placed in the employee's file.

Leaves of Absence

1. All employee absences must be verified by written proof of the need for leave.
2. Employees requesting pay for sick leave must provide a statement from a physician, chiropractor or practitioner (in case of religious requirement) verifying the cause and condition of illness, injury or quarantine. If an employee fails to provide such a statement, his/her absence will be considered a withholding of services.
3. Employees requesting personal necessity leave must do so in advance, in writing, and must receive approval to take the leave from the Superintendent or designee. In the event of an emergency when advance notice cannot be obtained, the employee may be required to sign an affidavit with written documentation of the personal necessity.
4. Permission to take other leaves must be received in advance of the leave.

CONCERTED ACTION/WORK STOPPAGE (continued)

Substitute Employees

The Superintendent or designee may hire substitute employees as needed. Substitutes shall be paid at the rate the Superintendent or designee deems necessary in order to obtain qualified personnel.

Temporary Employees

The Superintendent or designee may hire temporary employees for the duration of the withholding of service at the rate now in effect for regular employees.

Assignment of Personnel

At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to duties other than those regularly prescribed. Nonteaching certificated personnel may be assigned by the principal to classroom service. Failure to accept or serve in such an assignment will be considered a violation of Board rules/regulations and therefore may result in disciplinary action.

Loss of Fringe Benefits and Payroll Deductions

Any employee withholding services may be subject to the loss of payroll deduction and fringe benefit privileges.

Maintenance of School Calendar

Days of instruction lost due to a withholding of services may be made up following the end of the normal school year.

Possession of District Property

During a period of actual or threatened withholding of services, no employee shall remove from district premises or retain in his/her possession any district property, including student attendance and grading records and lesson plans, without prior specific approval of the principal. Violation of this policy may result in the initiation of dismissal procedures or other appropriate disciplinary action.

Legal Services

Pursuant to Education Code 35204 and 35205, the Superintendent or designee may employ a private attorney to advise the Governing Board on matters relating to the threatened or actual withholding of services.

CONCERTED ACTION/WORK STOPPAGE (continued)

Operations of School Facilities

The Superintendent or designee may adjust school instructional times or close any school or district facility. A facility shall be closed when the Superintendent or designee determines that deleterious conditions exist for children or staff.