

Regulation 4241.6: Concerted Action/Work Stoppage

Status: DRAFT

Original Adopted Date: Pending

Maintenance of District Operations

During any work stoppage, strike, or other concerted employee activity, the Superintendent or designee shall take measures to minimize disruption to district operations and student learning. At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Governing Board an appropriate rate of pay for such employees for the period of the work stoppage.

Strike Plan

The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/guardians.

The strike plan shall address, at a minimum, the following elements:

1. Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees
2. Criteria for keeping schools open during a work stoppage, including potential costs, availability of qualified substitutes or other staffing, and the ability to maintain essential services and to ensure the safety of students and staff
3. Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate
4. Internal communications among district staff and the Board during a work stoppage
5. Plans for obtaining and paying for the services of and communicating with temporary or substitute employees
6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits
7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons
8. Equipment and supply needs
9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events
10. Contingency plans for transportation
11. Contingency plans for the provision of food services
12. Identification of outside resources who may be called upon to help with school operations

13. Coordination with law enforcement and other agencies
14. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members
15. Provisions for safe, effective board meetings
16. Cost estimates for the various strategies to be implemented during a work stoppage
17. Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization
18. Continuation of negotiations during a work stoppage
19. Plans for resuming normal district operations, rebuilding relations and disciplining employees if necessary after the work stoppage

Activities of Employees

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

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

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

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

Throughout the duration of any enrolled employee's participation in an authorized strike, the district shall not fail or refuse to maintain and pay for the employee's continued health care or other medical coverage or the coverage of their enrolled dependents, nor shall the district fail to collect and remit the employee's contributions to any such coverage. The district shall maintain the coverage at the same level and under the same conditions that the coverage would have been provided if the employee had continued to work in the employee's position for the duration of the strike. Health care or other medical coverage for this purpose includes coverage for medical, dental, vision, behavioral health, disability, accidental death and dismemberment, life, and supplemental health insurance benefits. (Government Code 3141-3142)

"Authorized strike" means a strike sanctioned by the central labor council or the membership of an employee organization that represents the striking employees, or one that is engaged in by unrepresented employees. (Government Code 3141)

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins, the employee shall be entitled to continued payment as long as the employee remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 35204	Contract with attorney in private practice
Ed. Code 35205	Contract for legal services
Ed. Code 37200-37202	School calendar
Gov. Code 3140-3142	Public Employee Health Protection Act
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3543.5-3543.6	Unfair labor practices
Gov. Code 3548.3548.8	Impasse procedures

Management Resources References

	Description
Public Employment Relations Board Decision	Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110
Public Employment Relations Board Decision	Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	State Mediation and Conciliation Service (SMCS) - https://simbli.eboardsolutions.com/SU/Hh5BRnaxsR9icKPFMBCOPA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0400	Comprehensive Plans - https://simbli.eboardsolutions.com/SU/5plusfKUn3aL8gJu7D0hZoQ9A==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XVeModcEEplusmIKmIViNyG8g==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/vQZUWC8qslshfqZpV1MmtaRBg==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/Hywu1plusUHmPznTnAojQejslshg==
1112	Media Relations - https://simbli.eboardsolutions.com/SU/3IHEaJYmsnDktqG0qiC94Q==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/bol2KQplusfOV4IODLslshnZFOsg==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/ENsaEZnFslshbfDue5uvAGxYw==

3512 Equipment -
<https://simbli.eboardsolutions.com/SU/r1rNkRaXyrj10VEAVGfslsh9g==>

3512-E PDF(1) Equipment -
<https://simbli.eboardsolutions.com/SU/6RcqkwFE4ATq4nsbPZZJJg==>

3541 Transportation Routes And Services -
<https://simbli.eboardsolutions.com/SU/pRnghpy2WvRLpluszmg8gC7aw==>

3550 Food Service/Child Nutrition Program -
<https://simbli.eboardsolutions.com/SU/8PD4MufjPOdleCs1QuQQ3Q==>

3550 Food Service/Child Nutrition Program -
<https://simbli.eboardsolutions.com/SU/KVOgHhXokXVv3QqM5NwYslshQ==>

4113 Assignment -
<https://simbli.eboardsolutions.com/SU/sZzMn4gLi6zpKCi8VyJJUA==>

4113 Assignment -
<https://simbli.eboardsolutions.com/SU/nuJniXqwYV0Ds3WwJ7z8bg==>

4118 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/rOKplusxHxHkrEBT6aplusTWhislshQ==>

4121 Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/DcCmKPh09vg5JzXomtjUHA==>

4121 Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/YykFd9RvVplus6GgB2BddENyw==>

4154 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/6R1sBLgslshYgDslshAd2SuZj7eA==>

4154 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/WNoCah873JGR0slshZyGCtZtQ==>

4161.1 Personal Illness/Injury Leave -
<https://simbli.eboardsolutions.com/SU/pBT8qcBchpd9Nretl5tpDQ==>

4161.2 Personal Leaves -
<https://simbli.eboardsolutions.com/SU/0n8aJXm8vISRtdFTHYgumw==>

4218 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/WSdW3plusnjP9wlvJpaJpqnSA==>

4254 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/IOQxocnnc7t0zO4gNslshFig==>

4254 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/baiguAHICDz2MiTzMIQIOA==>

4261.1 Personal Illness/Injury Leave -
<https://simbli.eboardsolutions.com/SU/NbmFlv1J1eoV9plusRT1mhpfw==>

4261.2 Personal Leaves -
<https://simbli.eboardsolutions.com/SU/847PCMzco4iw8hFQgZErUQ==>

4354 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/AUcC2pRXWApZWZErGJyJUg==>

4354 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/slsh0UxeGKSx3ebrYlspgjSrg==>

4361.1 Personal Illness/Injury Leave -
<https://simbli.eboardsolutions.com/SU/etl1turBC71j4hKK2A3r6A==>

4361.2 Personal Leaves -
<https://simbli.eboardsolutions.com/SU/IJj2CGBYDwcCELCob3rSMA==>

6111 School Calendar -
<https://simbli.eboardsolutions.com/SU/zE2rFwkQKAxvhGSm9WioAQ==>

6144 Controversial Issues -
<https://simbli.eboardsolutions.com/SU/uJslsh5tSQtG3KAslshiBtacuigA==>

- 6145 Extracurricular And Cocurricular Activities -
<https://simbli.eboardsolutions.com/SU/kcnplusEMDbUq3oAi14H67CXg==>
- 6145 Extracurricular And Cocurricular Activities -
<https://simbli.eboardsolutions.com/SU/HodC5SBhYgTQ4CslshjPbo8xQ==>
- 9000 Role Of The Board -
<https://simbli.eboardsolutions.com/SU/yCFHLIFLUDCtfgppluseQHTjg==>
- 9320 Meetings And Notices -
<https://simbli.eboardsolutions.com/SU/OxDNy6bT6iJslshUjLW43u4bg==>