

## **Certificated and Classified Personnel**

### **CONCERTED ACTION/WORK STOPPAGE**

#### **Maintenance of District Operations**

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.

*(cf. 4113 - Assignment)*  
*(cf. 4121 - Temporary/Substitute Personnel)*

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

*(cf. 6111 - School Calendar)*

#### **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, the ability to maintain the quality of the educational program and other essential services, and the ability 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, paying and communicating with temporary or substitute employees

**CONCERTED ACTION/WORK STOPPAGE** (continued)

6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*  
*(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)*  
*(cf. 4161.2/4261.2/4361.3 - Personal Leaves)*  
*(cf. 4261.1 - Personal Illness/Injury Leave)*

7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons

*(cf. 1100 - Communications with the Public)*  
*(cf. 1112 - Media Relations)*  
*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*

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

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

10. Contingency plans for transportation

*(cf. 3541 - Transportation Routes and Services)*

11. Contingency plans for the provision of food services

*(cf. 3550 - Food Service/Child Nutrition Program)*

12. Identification of outside resources who may be called upon to help with school operations

13. Coordination with law enforcement and other agencies

*(cf. 1020 - Youth Services)*  
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*

14. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members

**CONCERTED ACTION/WORK STOPPAGE** (continued)

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 4143/4243 - Negotiations/Consultation)*

19. Plans for resuming normal district operations, rebuilding relations and disciplining employees if necessary after the work stoppage

**Activities of Employees**

In situations where strikes by employees are protected by the EERA, not all strike behavior is legal and employees who engage in unprotected activity may be subject to disciplinary action. Under most circumstances, peaceful picketing in areas considered public forums, distributing handbills or leaflets to employees or the public and letter writing are protected by the U.S. Constitution and California Constitution. However, picketers have no right to violate criminal laws or engage in misconduct which "may reasonably tend to coerce or intimidate [nonstriking] employees in the exercise of their rights" (Fresno Unified School District, 1982, PERB No. 208, 6 PERC 13110).

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 in his/her possession any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

*(cf. 3512 - Equipment)*

PERB has found certain employees' activities related to students to be unprotected under the EERA, including sending notes about a labor dispute to parents through the students as well as addressing students during duty time by stopping a school bus to encourage students to support a strike (Konocti Unified School District).

**CONCERTED ACTION/WORK STOPPAGE** (continued)

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.

*(cf. 6144 - Controversial Issues)*

**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.

The district may not pay contributions to health care benefits if employees fail to work the minimum number of hours per month as specified in the collective bargaining agreement, Board policy or administrative regulation. However, the district shall offer employees the option of paying their own coverage under COBRA. (29 USC 1161-1169)

If the district determines that it will withhold its contributions to employees' life and disability insurance, employees shall be offered an opportunity to retain these coverages by paying the contributions themselves. (Insurance Code 10116)

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, he/she shall be entitled to continued payment as long as he/she 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.

September 7, 1999

**CALAVERAS UNIFIED SCHOOL DISTRICT**  
San Andreas, California