

CONCERTED ACTION/WORK STOPPAGE

The Governing Board recognizes the importance of maintaining positive relations with employees, employee organizations, parents/guardians and community members throughout the collective bargaining process. In the event of an impasse in negotiations, the Board shall make a good faith effort to reach an agreement with the employee organization through participation in state mediation and fact-finding procedures.

The Board is responsible to provide for the education of the students attending the schools in the district, even in circumstances where the operation of the district is impeded by concerted action by district employees. It is the intent of the Board to enact these policies to allow for the continuous operation of district programs. To the extent the policies modify current contractual provisions with employee organizations; employee organizations shall be provided an opportunity to demand to bargain the modifications prior to their effective date.

Any strike, walk-out or slowdown, of the school district could materially disrupt the operation of the schools of the district and prevent the continuous education of the children attending district schools. Therefore, the Board shall view any strike, walkout, slowdown of mandatory or discretionary duties, of the school district as a prohibited act.

During any threatened or actual withholding of services, the Board shall keep parents/guardians and community informed about the status of district negotiations, the educational program and safety measures that have been taken by the district.

When feasible, the Board desires to keep schools operating during any work stoppage. The Superintendent or designee shall take steps necessary in order to help ensure the safety of students, staff and district property during a work stoppage. Such steps shall be reported to the Board as soon as possible.

The Board recognizes that preparation is necessary to reduce disruption during a work stoppage and to ensure that students receive the education to which they are entitled. The Superintendent or designee shall develop a written plan that shall delineate actions to be taken in the event of a strike or threatened strike. The plan shall include specific responsibilities of the Board and district staff, plans to maintain district operations, appropriate student instruction and supervision, as well as communication and safety issues.

The Board believes that employees shall be held accountable for their behavior during any labor dispute. The district may take disciplinary action against employees, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

CONCERTED ACTION/WORK STOPPAGE (continued)

Legal Reference:

EDUCATION CODE

35204 *Contract with attorney in private practice*

35205 *Contract for legal services*

37200-37202 *Instructional days*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act, especially:*

3543.5-3543.6 *Unfair labor practices*

3548-3548.8 *Impasse procedures*

INSURANCE CODE

10116 *Employee continuation of insurance coverage*

UNITED STATES CODE, TITLE 29

1161-1169 *Continuation coverage and additional standards for group health plan*

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

Management Resources:

CSBA PUBLICATIONS

Collective Bargaining DVD-ROM

Maximizing School Board Governance: Collective Bargaining

Political Activities of School Districts: Legal Issues, rev. 2001

Before the Strike: Planning Ahead in Difficult Negotiations, 1996

WEB SITES

CSBA: <http://www.csba.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.html>

Policy
adopted: December 19, 2000
amended: May 2, 2006
reviewed: May 5, 2009

SANTEE SCHOOL DISTRICT
Santee, California