

RESOLUTION NO. 04-21

A RESOLUTION OF THE BOARD OF DIRECTORS OF HIGHLINE SCHOOL DISTRICT NO. 401, KING COUNTY, WASHINGTON, TO ADDRESS IMMINENT STRIKE OR WORK STOPPAGE ACTION BY REQUIRING CERTAIN CONSEQUENCES FOR UNAUTHORIZED ABSENCES AND AUTHORIZING THE SUPERINTENDENT TO TAKE LEGAL STEPS NECESSARY TO END THE STRIKE OR WORK STOPPAGE.

WHEREAS, the Board of Directors of Highline School District No. 401 ("District"), King County, Washington, has notice that the Highline Education Association ("Association") and/or employees represented by said Association have threatened to withhold professional services of certificated teaching and support staff of the District effective on March 11, 2021, and to continue withholding such services;

WHEREAS, the Washington Supreme Court and Attorney General have determined that state law prohibits strikes by public school employees and authorizes civil injunction proceedings and other remedies to require compliance by educational employees and their representatives;

WHEREAS, the residents of the District and the school-age children in the community will be injured through the action of the Association and/or employees represented by said Association if one or both engages in a strike or work stoppage; and

WHEREAS, an emergency exists requiring the immediate action of the Board of Directors to prevent injury to the educational process.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS AS FOLLOWS:

1. CONSEQUENCES OF UNAUTHORIZED ABSENCES

BE IT RESOLVED that all employees requesting pay for sick leave taken during any strike or work stoppage must provide the District with an affidavit signed by the employee certifying to the fact of illness and inability to work, and must provide a doctor's certificate of illness to the extent consistent with state law.

BE IT FURTHER RESOLVED that all unauthorized leave will constitute a breach of contract and may result in the initiation of discharge procedures or other disciplinary action as may be deemed appropriate by the Board of Directors. An employee is deemed to be on unauthorized leave at such time and on such occasions as the employee may absent himself or herself from required duties (whether in person or remotely). It will include non-performance of those duties and responsibilities assigned by the District and its representative, including all duties and responsibilities as defined by the policies and regulations of the Board of Directors. Such unauthorized leave may include, but is not limited to, the collective refusal to provide service (whether in person or remotely), unauthorized use of sick leave, unauthorized use of other leave benefits, non-attendance at required meetings, and failure to perform supervisory functions at school-sponsored activities when such supervisory functions are required by the employee's contract. In addition, the District will not compensate employees for unauthorized absences.

2. AUTHORIZATION OF LEGAL ACTION

BE IT RESOLVED that the Board of Directors hereby employs the law firm of Porter Foster Rorick, LLP to represent the Board of Directors and Highline School District No. 401 with regard to all legal matters arising out of any strike or concerted refusal by the certificated staff or other employees of the District to perform services as required of them by their employment contracts or otherwise.

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Superintendent of schools, at such time she deems appropriate, to direct the law firm of Porter Foster Rorick, LLP, and to authorize engagement of any additional attorneys, experts witnesses, or consultants to assist said firm, to take any and all lawful steps necessary to terminate any strike or concerted refusal to perform services by the certificated staff or other employees of the District. The Superintendent is further authorized through said law firm to bring suit against any individual employee participating in a strike or concerted refusal to perform services, and against any union, association, corporation, or conspiracy of or including such persons and any other persons or organizations acting in concert with such persons seeking to enjoin such activity, to recover a monetary judgment against any and all individuals and associations or unions participating in such activities to the extent of any damage suffered by the District, to seek any enforcement of such orders by contempt citations or other appropriate remedies, and to seek any other remedies, equitable or legal, which may be available to the District and/or its Board of Directors.

BE IT FURTHER RESOLVED that the Superintendent and administrative staff of the District designated by the Superintendent are hereby authorized and directed to take all steps necessary for the full and effective implementation of this resolution.

ADOPTED by the Board of Directors of Highline School District No. 401, King County, Washington, at a regular meeting thereof, held on March 3, 2021.

HIGHLINE SCHOOL DISTRICT

DocuSigned by:

*Angelica Alvarez*

A46E8831FC58419...

Angelica Alvarez, President

DocuSigned by:

*Bernie Dorsey*

0450CF88D1842B...

Bernie Dorsey, Director

Aaron Garcia, Director

KING COUNTY, WASHINGTON

DocuSigned by:

*Joe Van*

CF491BCE9EC58C9...

Joe Van, Vice President

DocuSigned by:

*Fa'izah Bradford*

4E19B7CE85EA41D...

Fa'izah Bradford, Director

DocuSigned by:

*Susan Enfield*

04C26605AE884B5...

Attest: Susan Enfield, Ed.D Secretary