Liberty Union High School District

Board Policy

Classification:	Personnel	Policy No.	BP4141.6/4241.6
		Page	1 of 2
		Effective	9/11/91
Subject:	Concerted Action/Work Stoppage	Revised	5/10/23

The Governing Board recognizes the importance of maintaining ongoing positive relations with employees and engaging in fair, respectful negotiations with employee organizations. The Board desires to reach agreement on employment contracts in a manner that does not disrupt school operations or impact student achievement.

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)

The Board recognizes that advance planning is necessary to ensure that students receive the education to which they are entitled in the event of a work slowdown, sickout, strike, or other concerted activity by employees. The Superintendent or designee shall develop a written plan which shall include strategies for the provision of internal and external communications, preservation of student and staff safety, maintenance of district operations, and appropriate student instruction and supervision during a work slowdown or 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 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, district employees shall be expected to approach the subject in accordance with the district's policy on controversial issues. District employees shall not let such discussions interfere with their regular responsibilities. District employees shall not distribute literature to students during the work day or on campus at any time, that promote or explain the position of any employee organization that is engaged in or contemplating a work stoppage.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1100 - Communications with the Public)
(cf. 1112 - Media Relations)
(cf. 9000 - Role of the Board)

If an employee organization gives notice that it intends to strike, the Superintendent or designee shall notify the Public Employment Relations Board, Employment Development Department, employees in the striking unit, other district employees, parents/guardians, students, law enforcement, the media, and others as appropriate.

Employees should be held accountable for their behavior during any labor dispute. The district may take disciplinary action against any employee who engages in an unlawful concerted action or in unlawful behavior in an otherwise protected activity, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

However, the district shall not discontinue or threaten to discontinue employer contributions for health care or other medical coverage for any employee or their enrolled dependents for the duration of the employee's participation in an authorized strike, as defined in Government Code 3141 and specified in the accompanying administrative regulation.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
(cf. 4218 - Suspension/Disciplinary Action)

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

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