

**Regulation 4141.6: Concerted Action/Work  
Stoppage**

**Status:** ADOPTED

**Original Adopted Date:** 12/01/1989 | **Last Revised Date:**  
03/01/2022 | **Last Reviewed Date:** 03/01/2022

**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.

| <b>State</b>        | <b>Description</b>                                |
|---------------------|---------------------------------------------------|
| Ed. Code 35204      | <u>Contract with attorney in private practice</u> |
| Ed. Code 35205      | <u>Contract for legal services</u>                |
| Ed. Code 37200      | <u>School calendar</u>                            |
| Gov. Code 3140-3142 | <u>Public Employee Health Protection Act</u>      |

Gov. Code 3540-3549.3  
Gov. Code 3543.5-3543.6  
Gov. Code 3548.3548.8

### **Management Resources**

Public Employment Relations Board  
Decision  
Public Employment Relations Board  
Decision  
Website  
Website  
Website  
Website

### Educational Employment Relations Act

Unfair labor practices

Impasse procedures

### **Description**

Fresno Unified School District, 1982, PERB Dec. No. 208, 6  
PERC 13110  
Konocti Unified School District, 1982, PERB Dec. No. 217, 6  
PERC 13152  
CSBA District and County Office of Education Legal Services  
State Mediation and Conciliation Service (SMCS)  
California Public Employment Relations Board  
CSBA

### **Code**

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### **Description**

Comprehensive Plans  
Comprehensive Safety Plan  
Comprehensive Safety Plan  
Communication With The Public  
Media Relations  
Relations Between Other Governmental Agencies And The Schools  
Relations Between Private Industry And The Schools  
Equipment  
Equipment  
Transportation Routes And Services  
Food Service/Child Nutrition Program  
Food Service/Child Nutrition Program  
Assignment  
Assignment  
Dismissal/Suspension/Disciplinary Action  
Dismissal/Suspension/Disciplinary Action  
Temporary/Substitute Personnel  
Temporary/Substitute Personnel  
Collective Bargaining Agreement  
Negotiations/Consultation  
Public Notice - Personnel Negotiations  
Public Notice - Personnel Negotiations  
Health And Welfare Benefits  
Health And Welfare Benefits  
Personal Illness/Injury Leave  
Personal Leaves  
Dismissal/Suspension/Disciplinary Action  
Dismissal/Suspension/Disciplinary Action  
Collective Bargaining Agreement  
Negotiations/Consultation  
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Health And Welfare Benefits  
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Health And Welfare Benefits  
Personal Illness/Injury Leave  
Personal Leaves  
School Calendar  
Controversial Issues  
Extracurricular And Cocurricular Activities  
Extracurricular And Cocurricular Activities  
Role Of The Board  
Meetings And Notices

