

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

**Status:** ADOPTED

**Original Adopted Date:** 12/01/1989 01/23/2013 | **Last Revised Date:** 03/01/2022 | **Last Reviewed Date:** 03/01/2007 3/1/2022

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~~ **prevents disruption** to school operations ~~and~~ **and minimizes impact on** 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~~ **stoppage**, strike, or other concerted **employee** activity ~~by employees~~, **students continue to receive educational services to which they are entitled**. The Superintendent Chief Learning Officer 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.

~~(cf. 0450 - Comprehensive Safety Plan)~~

~~(cf. 1100 - Communications with the Public)~~

~~(cf. 1112 - Media Relations)~~

~~(cf. 9000 - Role of the Board)~~

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

If an employee organization gives notice that it intends to strike, the Superintendent Chief Learning Officer or designee shall notify the Public Employment Relations Board, Employment Development Department, employees in the striking unit, **other district employees in the nonstriking unit**, 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)~~

**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

Ed. Code 35204

**Description**

Contract with attorney in private practice

Ed. Code 35205

Contract for legal services

Ed. Code 37200

School calendar

Gov. Code 3140-3142

Public Employee Health Protection Act

Gov. Code 3540-3549.3

Educational Employment Relations Act

Gov. Code 3543.5-3543.6

Unfair labor practices

Gov. Code 3548.3548.8

Impasse procedures

**Management Resources**

**Description**

Public Employment Relations Board Decision

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

Public Employment Relations Board Decision

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

Website

CSBA District and County Office of Education Legal Services

Website

State Mediation and Conciliation Service (SMCS)

Website

California Public Employment Relations Board

Website

CSBA

**Cross References**

**Code**

**Description**

0400

Comprehensive Plans

0450

Comprehensive Safety Plan

0450

Comprehensive Safety Plan

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|---------------|--|
| 1100          | <u>Communication With The Public</u>                                 |
| 1112          | <u>Media Relations</u>   |
| 1400          | <u>Relations Between Other Governmental Agencies And The Schools</u> |
| 1700          | <u>Relations Between Private Industry And The Schools</u>            |
| 3512          | <u>Equipment</u>   |
| 3512-E PDF(1) | <u>Equipment</u>   |
| 3541          | <u>Transportation Routes And Services</u>                            |
| 3550          | <u>Food Service/Child Nutrition Program</u>                          |
| 3550          | <u>Food Service/Child Nutrition Program</u>                          |
| 4113          | <u>Assignment</u>  |
| 4113          | <u>Assignment</u>  |
| 4118          | <u>Dismissal/Suspension/Disciplinary Action</u>                      |
| 4121          | <u>Temporary/Substitute Personnel</u>                                |
| 4121          | <u>Temporary/Substitute Personnel</u>                                |
| 4141          | <u>Collective Bargaining Agreement</u>                               |
| 4143          | <u>Negotiations/Consultation</u>                                     |
| 4143.1        | <u>Public Notice - Personnel Negotiations</u>                        |
| 4143.1        | <u>Public Notice - Personnel Negotiations</u>                        |
| 4154          | <u>Health And Welfare Benefits</u>                                   |
| 4154          | <u>Health And Welfare Benefits</u>                                   |
| 4161.1        | <u>Personal Illness/Injury Leave</u>                                 |
| 4161.2        | <u>Personal Leaves</u>   |
| 4218          | <u>Dismissal/Suspension/Disciplinary Action</u>                      |
| 4241          | <u>Collective Bargaining Agreement</u>                               |
| 4243          | <u>Negotiations/Consultation</u>                                     |
| 4243.1        | <u>Public Notice - Personnel Negotiations</u>                        |
| 4243.1        | <u>Public Notice - Personnel Negotiations</u>                        |
| 4254          | <u>Health And Welfare Benefits</u>                                   |
| 4254          | <u>Health And Welfare Benefits</u>                                   |
| 4261.1        | <u>Personal Illness/Injury Leave</u>                                 |
| 4261.2        | <u>Personal Leaves</u>   |
| 4354          | <u>Health And Welfare Benefits</u>                                   |

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| 4354   | <u>Health And Welfare Benefits</u>                 |
| 4361.1 | <u>Personal Illness/Injury Leave</u>               |
| 4361.2 | <u>Personal Leaves</u>                             |
| 6111   | <u>School Calendar</u>                             |
| 6144   | <u>Controversial Issues</u>                        |
| 6145   | <u>Extracurricular And Cocurricular Activities</u> |
| 6145   | <u>Extracurricular And Cocurricular Activities</u> |
| 9000   | <u>Role Of The Board</u>                           |
| 9320   | <u>Meetings And Notices</u>                        |

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