

Administration

EMERGENCY PREPAREDNESS POLICY

It is the responsibility of the Governing Board of the District to provide for the operations of the District for the purpose of education of the pupils attending the schools in the District.

Any strike, walk-out, slowdown, or other such strike related type activities by employees 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 Governing Board shall view any strike, walkout, slowdown, or other such strike related type of activity by employees of the school District as an unlawful act.

The Superintendent shall establish emergency organizational and operational procedures for the purpose of the continuous operation of the schools and the education of the children. In addition, she shall develop disciplinary action procedures which may be used at the Governing Board's discretion.

The Superintendent shall be empowered, under the following conditions, to implement District emergency organization and operational procedures for the continuous operation of the school District should she be given reason to believe that the operation of the schools may be impaired by the activities of an employee's organization:

1. The condition that the employee's strike-related activities occurred and precluded official Governing Board action in an emergency or regularly scheduled meeting of the Governing Board.
2. The receipt of official written materials indicating the employee organization's intent to commit acts which would impair the District's operations prior to the 24-hour notice required for calling a special meeting of the Governing Board.
3. Obtaining a minimum of three District employee affidavits stating that the District employee organization intended to engage in activities which would occur prior to the 24 hour notice required for calling a special meeting of the Governing Board.
4. The condition that none of, or an insufficient number of Governing Board members could be contacted and assembled for a special meeting within the required 24 hour notification period for such a meeting.
5. The condition that the Governing Board did not desire to meet until its next regularly scheduled meeting.

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EMERGENCY PREPAREDNESS POLICY (continued)

Emergency organization and operational procedures shall become effective immediately upon declaration of an emergency by the Superintendent, and shall prevail to the extent that these policies and/or regulations are not in conflict with or inconsistent with the law and shall remain in effect until further order of the Superintendent or Governing Board.

Emergency organization and operational procedures shall pertain to and supersede all District policies and/or regulations.

When the Superintendent declares an emergency situation to ensure the continuous operation of the school District the following emergency regulations shall be in effect:

1. No employee of the District shall be granted a leave of absence for personal business.
2. Personal necessity leave is authorized for employees only when the same is due to:
 - a. Death or serious illness of a member of such employee's immediate family.
 - b. Accident involving such employee's person or property, or the person or property of a member of such employee's immediate family.

District employees who take personal necessity leave for one of the reasons set forth above shall be required to file with the Superintendent satisfactory evidence of entitlement to such leave.

3. In order to be granted sick leave for absences claimed to be due to illness or injury (other than pursuant to an industrial accident or illness leave) an employee must file with the Assistant Superintendent-Human Resources, a statement signed by his or her physician on the appropriate District form.

Said certificate shall be submitted within one (1) day after the employee's return to work. In the event a District employee fails or refuses to furnish said certificate, said absences shall be treated as and be deemed to be absence without leave.

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4. Except as otherwise provided herein, and/or determined by the Superintendent as necessary to ensure the orderly operation of the schools and promulgated in writing in newspapers of general circulation, all of the leave policies and regulations of the District shall remain in full force and effect.
5. The Superintendent, or such person or persons as she may designate, shall prepare for submission to the Governing Board a disciplinary report, setting forth the name and relevant information concerning each employee who is believed to have:
 - a. been absent without leave on any workday or portion thereof;
 - b. engaged in a walkout, slowdown, work stoppage, or similar strike related activity;
 - c. engaged in acts of vandalism directed against real or personal property of the school District or the personal property of others located on school property;
 - d. suggested, encouraged, intimidated, coerced, or by any other means attempted to initiate or aide in a boycott of school pupils of the District;
 - e. suggested, encouraged, intimidated, coerced, or by any other means attempted to persuade one or more pupils of the District not to attend schools; or
 - f. by any means unduly intimidated or coerced substitute teachers, non-striking personnel, administrators, volunteers, Board members, or members of any of the families; or
 - g. in any manner damaged or caused to have damaged the real or personal property of the personnel outlined in (f) above; or
 - h. acted or failed to act in a manner which the Superintendent believes warrants disciplinary action by the Governing Board.

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Procedures with respect to said disciplinary report shall be as follows:

- a. Notice shall first be given to the employee pursuant to Education Code section 44031, and he or she shall be given an opportunity to review the disciplinary report and comment thereon.
 - b. In the event such employee desires to enter and have attached to the disciplinary report his or her own comments, such employee shall do so within five (5) working days of receipt of notice, or he or she shall be deemed to have waived such a right.
 - c. Said disciplinary report, together with any written comments failed by the employee, shall then be placed in the employee's personnel file.
 - d. Immediately after said disciplinary report is placed in the employee's personnel file, said disciplinary report shall be submitted to the Governing Board, together with any written comments filed by the employee, for consideration and determination on whether the Board will commence disciplinary action, including but not limited to immediate suspension and adoption of a resolution of intention to dismiss the employee.
6. No compensation shall be paid to or on behalf of any employee unless the Superintendent, whose duty it is to draw the warrants, is satisfied that the employee has faithfully performed all of his or her prescribed duties (Education Code section 45055). The term "compensation" as used herein shall include, but shall not be limited to, employer contribution, if any, toward the cost of any health, welfare, or group benefits of the employee.
 7. The Superintendent is hereby authorized to employ additional substitutes as needed. All substitutes shall be paid the average daily rate of beginning regular employees who are performing a like service to the District during this emergency period.
 8. The Superintendent is hereby authorized to enter into contracts for performance of supplemental assignments, such as clerical, maintenance trades, security, and if the need arises.

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9. The Superintendent is hereby authorized to take all steps necessary to obtain requisite legal services and to cause to be instituted or defended in the name of the District any litigation arising out of or related to any strike, slowdown, walk-out, etc., of employees of the District.
10. The Superintendent is hereby authorized to contract, pursuant to Government Code section 53060, for such consultant services as are necessary in order to obtain professional advice for her and her staff on strike and strike-related matters.
11. The Superintendent is authorized to reassign any and all employees, as needed, in order to keep the school open and operating.
12. The Superintendent is authorized to organize the District's personnel and its material resources in any manner necessary in order to keep the school open and operating.
13. The Superintendent is authorized to require that any District property held by District employees be immediately delivered to her or her designated representatives. As used herein "District Property" includes, but is not limited to, keys, AV equipment, instructional materials, registers, grade books, lesson plan books, attendance records, seating charts, pupil scholastic data, and any other material or data important to the operation of the school District.
14. The Superintendent is authorized to establish emergency communication systems.
15. The Superintendent is authorized to enter into contract with public or private agencies for pupil transportation services and may assign District buses to the contracted agency until the resolution of the emergency.
16. The Governing Board President shall be designated as the official spokesperson of the Board.
17. In the event that an emergency is so declared by the Superintendent, a copy of these emergency regulations shall be published at least once a week for two consecutive weeks in a newspaper of general circulation in the District, and copies of these emergency regulations shall be posted for at least ten (10) days in three (3) public places within the school District, such publications and postings to be commenced immediately.
18. In the event that an emergency is so declared by the Superintendent, a copy of these emergency regulations shall be distributed to all parents and employees of the District.