

**Wilmar Union Elementary School District
Board of Education**

**Special Meeting Agenda
7:00 PM—Tuesday, October 1, 2019**

at
Wilson School Cluster Building
3775 Bodega Avenue
Petaluma, CA 94952

The Wilmar Union School District Board of Education meetings are open to the public, except for certain subjects that are addressed in closed session in accordance with the Ralph M. Brown Act. If anyone wishes to attend and requires special accommodations due to a handicapping condition, as outlined in the Americans with Disabilities Act, please contact the superintendent at least two working days prior to the meeting.

Special Meeting Agenda

Call to Order and Flag Salute: _____

Board Members present:

1.0 Approval of the Agenda: Motion to approve agenda.

Motion: _____ Second: _____ Ayes: _____ Noes: _____

2.0 Public Comment

At this time members of the public may address the Board on any item on the agenda. Speakers are allowed to address the Board for up to three (3) minutes per individual for a total of 20 minutes per agenda item. The Board President may increase or decrease the time allowed for public comment. The Board values public comments but the Board cannot respond directly to public comments. The Board may ask clarifying questions of the presenter or refer the presenter to a District procedure, if appropriate.

3.0 Action Items:

3.1 Work Stoppage Resolution and Regulations. Discussion and possible adoption of a resolution and regulations allowing the District Superintendent to prepare for and manage an employee strike should one occur.

Motion: _____ Second: _____ Ayes: _____ Noes: _____

4.0 Adjourn to Closed Session

4.1: Conference with Labor Negotiators

Agency designated representatives: Sheila Garvey, Jolene Hale, Doug Hecker, Stephen Collins

Employee organization: The Wilmar Teacher Association

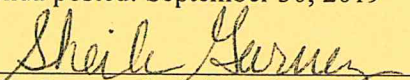
5.0 Reconvene to Open Session

6.0 Report on action taken in Closed Session

7.0 Adjournment: _____

Agenda posted: September 30, 2019

By


Sheila Garvey, Superintendent/Principal

EMERGENCY PROCEDURES RESOLUTION

WHEREAS, the Wilmar Union School District Board of Trustees (“Board of Education”) finds that a substantial number of employees are engaged in, intend to engage in or are about to engage in a strike, work slowdown, sick-out, work stoppage, sympathy strike or other withdrawal of services which would interfere with, impede or have the effect of interfering with or impeding the normal operation of the school district which would result in great and irreparable damage to the schools and the pupils of the school district (the “Emergency”);

WHEREAS, the Board of Education is empowered to delegate to the District Superintendent any of the Governing Board's powers and duties; and

WHEREAS, the Governing Board wants to delegate to the District Superintendent certain powers and duties to address the Emergency.

NOW, THEREFORE BE IT RESOLVED that the Board of Education hereby determines that the Emergency is a sufficient emergency as defined by current law, policies and administrative rules and regulations to justify this Resolution;

BE IT FURTHER RESOLVED that during the Emergency all unauthorized employee absences shall result in the deduction/loss of salary and paid benefits for each day of absence as specified in the Education Code, including but not limited to leaves, vacations and retirement service credits.

BE IT FURTHER RESOLVED that, during the Emergency, the Superintendent or his/her designee(s) is authorized to employ substitute certificated and classified employees at whatever daily rate is necessary to secure the services of substitutes during the Emergency;

BE IT FURTHER RESOLVED that the Superintendent or his/her designee(s) is directed that all student grades given during the Emergency shall stand as recorded and will not be made up or modified at the end of the Emergency;

BE IT FURTHER RESOLVED that the Superintendent or designee(s) shall undertake whatever actions are necessary and appropriate to implement this resolution, including, but not limited to, any action necessary to insure and protect the physical and educational well-being of all students and the safety and property of the school district, including its agents, employees, representatives and all persons acting for or on behalf of the school district. Any such action shall prevail to the extent it is contrary to, amends, modifies or rescinds provisions of the current collective bargaining agreement, Board of Education Policy and Administrative Rules and Regulations only during the term of the Emergency.

BE IT FURTHER RESOLVED that the Superintendent or his/her designee(s) shall be the sole district employee authorized to close any of the district's educational facilities. Such facilities shall be closed when, in the opinion of the Superintendent or his /her designated representative, the physical welfare of the students or staff on that school site is in jeopardy because of the inadequate staffing or disruptive activities which take place on or within the vicinity of the site;

BE IT FURTHER RESOLVED that the Superintendent or his /her designee(s) may authorize any appropriate legal action or defense in regard to matters relating to the Emergency;

BE IT FURTHER RESOLVED that the law firm employed by the District for this purpose is authorized to represent the district in legal matters relating to actions arising out of this emergency;

BE IT FURTHER RESOLVED that this resolution is an emergency measure within the mandate and jurisdiction of the Board of Education and is necessary for the immediate welfare of the schools and pupils thereof. Therefore, this resolution shall become effective immediately upon its adoption and shall remain in effect until repealed by formal Board action.

ADOPTED this _____ day of October, 2019, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINING: _____

**EMERGENCY REGULATIONS OF THE
WILMAR UNION SCHOOL DISTRICT**

WHEREAS, the Wilmar Union School District Board of Trustees (“Board of Education”) is the responsible for providing for the operation of the schools of the district for the purpose of education of the pupils thereof; and

WHEREAS, the Board of Education has adopted an Emergency Procedures Resolution in response to a pending strike, walk-out, slowdown or other type-of work stoppage concern (the “Emergency”) and this Emergency Regulations resolution is intended to supplement the Board of Education’s Emergency Procedures Resolution;

WHEREAS, any strike, walk-out, slowdown or other type-of work stoppage by the employees of the district could materially disrupt the operation of the schools of the district; and

WHEREAS, the Board intends to keep the schools of this district open and operating;

IT IS THEREFORE RESOLVED by the Board of Education that if and when an emergency with respect to the operation of the schools of the district because of the above-cited reasons, that the following Emergency Regulations shall be in effect.

1. INTERESTS OF PUPILS, EMPLOYEES, COMMUNITY AND PROPERTY.

In the event of an employee strike, walk-out or other work stoppage, the district intent shall be to keep Wilson school open and operating. To accomplish this the District Superintendent and/or his/her designee(s) shall have the authority take any steps and implement any policies or procedures for the purpose of:

- (a)ensuring the welfare and safety of the pupils;
- (b)ensuring the rights and safety of all employees;
- (c)ensuring the protection of public school property; and
- (d)providing the necessary staffing to fulfill the intent of the Board of Trustees.

2. ORDER OF AUTHORITY.

This regulation is intended as an outline only of emergency procedures and responsibilities to be put into effect by the Superintendent or his/her designee(s) until the Board of Trustees determines the Emergency has ended. This regulation is not intended to limit the broad authority the Board of Education has granted the Superintendent during the Emergency as specified in The Board of Education’s Emergency Procedures Resolution.

3. LEAVE OF ABSENCE.

- (a) ***Personal necessity leave or personal leave.*** Personal necessity or personal leaves are authorized for district employees only when the same is taken due to:

- (1) Death or serious illness of a member of such employee's immediate family; or
- (2) Accident involving such employee's person or property or the person or property of a member of such employee's immediate family.

If and when a District employee takes personal necessity or emergency leave during the Emergency for one of the above reasons the Superintendent or his/her designee(s) may be require that employee to provide the District with satisfactory evidence of entitlement to such leave.

- (b) ***Sick Leave:***

- (1) In order to be granted sick leave for any absence claimed to be due to illness or injury (other than pursuant to an industrial accident or illness leave) during the Emergency, it shall be district regulation to require a district employee requesting sick leave to file with the Personnel Office or the equivalent of the Personnel Office of the district a statement signed by the employee's physician or medical advisor that includes a statement that the employee is sick/ill and, per the employee's doctor's advice must be absent from work a specified number of days.
- (2) During the Emergency, it shall be district regulation that the Superintendent or his/her designee(s) may require a physician's certification for fitness to return to work from a sick leave prior to returning to work.
- (3) Said certificate must be filed immediately upon return to work. In the- event a district employee fails or refuses to furnish said certificate, said absence shall be treated as and be deemed to be unauthorized absence without pay.
- (4) Except as otherwise provided herein, all of the leave policies and regulations of the district shall remain in full force and effect.

- (c) ***Vacations and professional leave.*** All vacations and professional leaves are suspended during the period of the emergency except by special authorization of the superintendent or his/her designee.

4. **ABSENCE WITHOUT LEAVE: WALK-OUT, SLOWDOWN, WORK STOPPAGE.**

- (a) ***Unauthorized absence.*** This is defined as non-performance of those duties and responsibilities assigned by the district and its representatives including all duties and responsibilities as defined by the Education Code, rules and regulations of the State Board of Education and policies and regulations of the District Board of Education. An unauthorized absence may include, but is not limited to collective refusals to provide service, unauthorized use of leave benefits, non-attendance at required meetings.

- (b) ***Board report.*** The Superintendent or his/her designee(s) may prepare for submission to this Board a report, setting forth the name and relevant information concerning each employee who is believed to have been:
 - (1) Absent without authorization on any workday or part thereof;
 - (2) Engaged in a walk-out, slowdown, work stoppage or other strike related activity;
 - (3) 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;
 - (4) Suggested, encouraged, intimidated, coerced, or by any other means attempted to initiate or aid in a boycott of school by pupils of the district;
 - (5) Suggested, encouraged, intimidated, or coerced, or by any other means, attempted to persuade one or more pupils of the district not to attend school; or
 - (6) Acted or failed to act in a manner which the superintendent believes warrants disciplinary action by the Board.

- (c) The District Superintendent or his/her designee(s) shall have the discretion to impose reasonable discipline upon any District employee who engages in an unauthorized absence during the duration of the Emergency.

ADOPTED this ____ day of October, 2019, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINING: _____