

ADMINISTRATIVE PROCEDURE
SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 8450

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CATEGORY: **Negotiations**

EFFECTIVE: **1-03-74**

SUBJECT: **Withdrawal of Services by Employees**

REVISED: **1-13-03**

A. PURPOSE AND SCOPE

1. To provide guidelines to assist administrators in event of a disruption or curtailment of services for one or more days by members of the teaching staff or other school employee groups.
2. **Related procedures:**

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| Disturbances and demonstration | EP08 |
| Length of K-6 school day | 4022 |
| Length of 7-12 school day | 4026 |
| Release of public information to news media and public | 9015 |
| School or site closure/early dismissal of students | 5003 |
| Use of sick leave | 7130 |

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: G-7000, I-1150, I-1160, I-1250, J-1000, J-4000, J-4020, J-4500, J-8500, K-4000, K-4010, K-7000.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Human Resource Services Division, Office of the Superintendent.
2. **Keeping Schools Open.** If a concerted withdrawal of services by teachers or other school employees occurs, every effort should be made to continue the educational program and to keep schools in session. The superintendent will make final determination whether a school is to be closed. Site administrators should plan special instructional activities as deemed appropriate to a particular school situation, utilizing regular certificated and classified staff as well as available qualified temporary employees. Essential custodial, food services, clerical, or other services should be determined and provided by similar means. Nonclassroom services should be kept to a minimum. Planning would need to be done at each school on a day-to-day basis to meet possible daily changes in student attendance and employee service, requiring early dismissal of students or later school opening, with due regard for minimum day requirements (Procedures 4022 [elementary] and 4026 [secondary]).

3. **Advance Planning for Keeping Schools Open.** Principals, child development center supervisors, and central office management employees shall be responsible for initiating advance planning as necessary to avoid or minimize a disruption in the educational program. Priority sequence of steps to be taken in keeping schools open is outlined in C.4. through C.10. Areas in which advance planning can be done include:
- a. **Development of organization plans for employment of certificated substitute personnel**
 - (1) Instructional leaders, Institute for Learning, in cooperation with the Human Resource Services Division, develop a plan for assignment of substitute personnel.
 - (2) If time allows and knowledge is acquired of an impending strike, the Human Resource Services Division shall contact all available substitutes and issue tentative assignment according to organization plans of the Institute for Learning. Substitute teachers serving under strike conditions, as determined by the superintendent, are compensated at emergency substitute rate of pay.
 - (3) Principals contact respective division staffs according to previously announced plans for assigning substitute personnel.
 - b. **Central office certificated personnel.** Division heads provide the Human Resource Services Division with a listing of all certificated personnel below director and department head level for possible assignment to schools or to specific vacancies. (This includes all supervisors, coordinators, principals on special assignment, teachers on special assignment, and curriculum resource teachers.) Priority will be given in assignment of central office management employees to elementary schools having a single administrative staff member. Human Resource Services Division shall coordinate these assignments with the Institute for Learning.
 - c. **Temporary instructional assistants (classified).** In an emergency situation, principals are authorized to hire instructional assistants directly and immediately at school locations. Such assistants (preferably parents or other citizens known by the principal or staff) must be at least age 18 and may be used for *supervising* students or for actual *teaching*. If teaching, they must be under the supervision of a certificated employee. Those temporary instructional assistants who are assigned classroom teaching responsibilities will be paid the Instructional Assistant, Special Assignment rate. Temporary instructional

assistants who are *not* assigned classroom teaching responsibilities will be paid at the appropriate hourly rate. If an emergency is anticipated, principals and supervisors are advised to develop a list of names and telephone numbers of parents, parent teacher association, and other community members who might be available for assignment as temporary employees.

- d. **Emergency performance of essential classified employee functions.** In the event of threatened or anticipated withdrawal of services by classified employees, principals and supervisors should provide for emergency performance of essential procedures. Plans of essential routines should be developed to include the following:

- (1) Student attendance reporting
- (2) Staff time reporting
- (3) Telephone switchboard
- (4) Location of keys
- (5) Operation of heat, light, and ventilation systems
- (6) Site security
- (7) Cafeteria operation
- (8) Protection of cash funds
- (9) Mail distribution
- (10) Playground supervision
- (11) Operation of any specialized equipment on site
- (12) Enrollment procedures

4. **Steps to Keep Schools Open** (In general priority order)

- a. **Substitute teachers.** Substitute teachers will be preassigned in accordance with plans developed by the Institute for Learning. If critical staff needs exist or develop, principals contact appropriate instructional leader by telephone to

request additional certificated staff (special lines will be installed). Child development center supervisors should contact the Child Development Program Director.

- b. **On-site nonclassroom personnel.** Principal is authorized to assign teaching and nonteaching certificated staff members to perform such duties as determined necessary to safely and effectively conduct the school's instructional program. During a strike, it is within a principal's discretion to determine scope and nature of an assignment for each staff member. Principal may use available teacher assistants, noon duty assistants, or other professional staff members to extend class size, if appropriate.
- c. **Central office certificated personnel.** Any nonschool employee is subject to assignments to a school during a strike and is subject to further assignment at the school by the principal. A refusal to accept any such assignment constitutes active participation in an illegal strike. All Institute for Learning certificated personnel on Management Salary Schedule will be prescheduled for placement in schools as substitutes in accordance with district needs. Division heads who have teachers assigned to their divisions will instruct such personnel to respond individually to reassignment in such emergency situations. Lists will be provided to the Human Resource Services Division and employees named will be assigned to schools or to specific vacancies.
- d. **On-site employment and use of temporary instructional assistants (classified)**
 - (1) Instructions and a supply of necessary forms will be sent to each school by the Human Resource Services Division if this type of employment is anticipated. Employee must provide basic personal data, including birth date, social security number, and W-4 form (Employee's Withholding Exemptions), and must sign a loyalty oath.
 - (2) Principals must ensure that time cards certifying actual hours worked are submitted to the Payroll Unit, Employee Services Department, Human Resource Services Division.

Child development center supervisors should submit time cards to the Child Development Programs Office.

- (3) When principal has been advised that a withdrawal of services appears imminent, he/she may preassign teacher assistants, noon duty assistants, or temporary instructional assistants so that these individuals will be available at start of school day. Temporary instructional assistants may be preprocessed in accordance with instructions above. If it is determined after noon duty assistants and temporary instructional assistants have reported for duty that they are not needed, they should be paid for a minimum of four hours even though they are excused from duty at an earlier time.
5. **Withdrawal of Services by Classified Employees.** In meeting needs for replacement of absent classified employees in emergency situations, principals should proceed as follows:
- a. **Determine essential services** to be covered (custodial, food services, clerical, building security, or distribution of mail and materials) utilizing list of essential routines in C.3.d.
 - b. **Assign available** classified or nonteaching certificated staff members *at the site*, to carry out essential tasks in order of priority as determined by the principal.
 - c. **If sufficient employees** are not available to provide essential services:
 - (1) Principals call—
 - (a) For clerks, secretaries and instructional aides: Human Resource Services Division
 - (b) For food services employees: Food Services Director
 - (c) For custodians: Operations Program Supervisor
 - (2) Child development center supervisors call program office at the Instructional Media Center (IMC).
 - d. **If sufficient assistance cannot** be provided by offices listed in C.5.c., overtime for full-time employees and extra time for part-time employees is authorized.

- e. **If sufficient assistance is still not available**, principals should confer with instructional leader regarding best means of dealing with the problem, e.g., students and teachers might be asked to bring bag lunches to offset lack of cafeteria services.

6. **Reporting of Factual Information**

- a. **Emergency Operations Center** staff shall telephone principal/ supervisors no later than 10:30 a.m. and 2:30 p.m. each day for the following information:

- (1) Nature of any disturbance or picketing
- (2) Number of classified and/or certificated staff absent and present
- (3) Student attendance report
- (4) An analysis of the day's events

- b. **Emergency Operations Center** staff shall consolidate information from principals/supervisors and make five (5) copies for immediate distribution as follows:

- (1) Communications and Community Relations Division
- (2) Superintendent
- (3) Chief of Staff
- (4) Human Resource Services Division.
- (5) Institute for Learning

- c. **Communications and Community Relations Division** shall compile districtwide information and provide to news media upon request.

7. **Loitering and Trespassing.** The school trespass regulation should be used to regulate the presence of nonstudents and nondistrict employees on school grounds (Emergency Procedure EP 08). Confrontation with picketers or bystanders should be avoided. Control problems should be referred immediately to the School Police Services Department. Appropriate instructional leaders shall be notified immediately.

8. **Contacts with News Media.** Factual information concerning number of employees on duty, number absent, and special problems should be released to the news media through the Communications and Community Relations Division. Management employees should avoid “off-the-record” comments during any news interview. (See Procedure 9015 for further details on how to cooperate with news media.)
9. **Unusual Situations Not Provided for in This Procedure.** Management employees should report unusual situations immediately to their program managers or department heads to obtain advice on procedures to be followed.
10. **Follow-up Reports.** Written follow-up reports must be submitted by principals to appropriate instructional leaders indicating the following:
 - a. Names of teachers and/or classified employees *on duty*
 - b. Names of teachers and/or classified employees *absent*
 - c. Names of substitute certificated and classified personnel
 - d. Any other pertinent data
11. **Closing of Schools.** In emergencies involving loss of teaching staff, dismissal should not be considered until the student/teacher ratio exceeds double the normal figure for the school as a whole. However, when it becomes evident, regardless of ratio, that sufficient staff is not available to maintain adequate student supervision to conduct the instructional program and to assure safety of students, staff, and district property, a principal/supervisor shall confer with instructional leader or the Child Development Program Director. Deputy Chancellor and Chief of Staff will apprise the superintendent of facts and circumstances; the superintendent shall make final determination whether a school should be closed. Authorization to close schools will be transmitted by the instructional leader by telephone, by letter delivered by special messenger, by broadcast on district radio equipment, or by a combination of these. Students shall be dismissed in accordance with plans for emergency closing of schools. (Procedure 5003)
12. **Work Schedules and Assignments for Employees on Duty.** Regular classified and certificated personnel who report for work should remain on duty during *normal* hours for the schedule being maintained in the school. To the extent possible, provision should be made to keep facilities open to accommodate students who have to remain on campus until parents/guardians call for them at the end of the

school day. Any other provisions notwithstanding, the superintendent shall have authority to temporarily reassign any employee in accordance with the needs of the district.

13. **Refusal to Provide Services.** Superintendent shall have authority to request that the Office of General Counsel take such legal action as is appropriate under the circumstances, including, but not limited to, requesting injunctive relief and seeking imposition of sanctions on individuals refusing to render services.
14. **Compensation for Absent Employees**
 - a. **Any employee absent** from part or all of his/her assigned duties because of a strike, walkout, or withdrawal of services shall be subject to disciplinary action that may include dismissal.
 - b. **District regulations** regarding sick leave provide that the principal, or other appropriate management employee, may require an employee to obtain certification from a physician for absences *of any duration* if that employee attempts to claim sick leave benefits and the principal has reason to doubt validity of this claim. In the event there is a concerted withdrawal of services by employees, it shall be district policy to require a physician's certification from *any employee* who is absent on the date of such withdrawal of services and who files a claim ("Application for Sick Leave Benefits") for the absence. This requirement supersedes provisions of Procedure 7130. In addition, the district, at its expense, may require a complete report from a physician certifying an employee's illness; such report shall be sent to the district's physician for review. A physician's statement or other verification also shall be required from *any employee* who is absent on the date of a concerted withdrawal of services by employees and who files an application for personal emergency/necessity leave.
15. **Return of Employees.** An employee who participates in a withdrawal of services is subject to disciplinary action up to and including dismissal. This fact notwithstanding, an employee who during an organized or concerted withdrawal of services returns to school after having been absent for part of that day shall be permitted to return to normal duties. Time reports should indicate as "unauthorized absence" that portion of the day when employee was absent. The employee will be paid for the portion of the day he/she is on duty. Employee shall not be permitted to make up time lost as a result of his/her absence. Permitting an employee to return to work does not constitute a waiver of the district's right to take disciplinary action in appropriate cases. An

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employee may return to work in accordance with this provision at any time but may not withhold services part of the day and return for part of the day on a continuing basis.

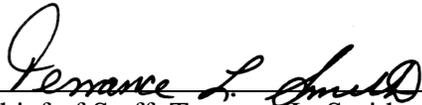
- a. **If a substitute has been employed**, he/she should be continued for balance of the day or arrangements made to transfer the substitute to another school.
- b. **Extended-day assignment** (i.e., athletic coaching, music, or drama sponsorship) can be performed only if regular contract day duty is fully completed in advance of extended-day assignment.

D. IMPLEMENTATION (Section C.)

E. FORMS AND AUXILIARY REFERENCES

F. REPORTS AND RECORDS (Sections C.6 and C.10.)

G. APPROVED BY



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For the Superintendent of Public Education