



MT. DIABLO UNIFIED SCHOOL DISTRICT GOVERNING BOARD
RESOLUTION 21/22-62
RESOLUTION AUTHORIZING EMERGENCY PROCEDURES

WHEREAS, the Board of Education (“Board”) of the Mt. Diablo Unified School District (“District”) finds that a strike, work slowdown, sick-out, work stoppage or other withdrawal of services by a substantial number of certificated employees would interfere with, impede or have the effect of interfering with or impeding the normal operation of the school district; and

WHEREAS, the Board of Education finds that such withdrawal of services will result in great and irreparable damage to the schools and the pupils of the school district; and

WHEREAS, it is the legal responsibility of the Board to take every appropriate action to provide students and staff with safe, secure, and peaceful learning environments on District campuses and ensure safe, secure and peaceful work sites; and

WHEREAS, it is also the responsibility of the Board to take action in response to emergencies that occur that impact the students and staff of the District and District operations, and further to take advance action where circumstances indicate an emergency may occur; and

WHEREAS, the District and Mt. Diablo Education Association (“MDEA”) are currently at impasse over successor contract negotiations and MDEA has already taken a strike vote, which requires the District take steps to ensure the continuation of school services if employees engage in concerted activities; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby determines that a legitimate emergency exists under California law, Board of Education policy and Administrative Rules and Regulations; and

BE IT FURTHER RESOLVED that all unauthorized absences shall result in the deduction of salary for each employee for each day of absence; and

BE IT FURTHER RESOLVED that during any actual work stoppage, or any other time the Superintendent deems the situation warrants emergency action, the Superintendent or his designee is granted discretionary authority to remunerate employees, including administrators, beyond the salary schedule (premium pay) for performing additional assigned duties; and

BE IT FURTHER RESOLVED that only authorized personnel may be allowed on school premises during a walkout or strike or any other work stoppage. Employees who are on strike or other unauthorized absence shall not enter school premises; and

BE IT FURTHER RESOLVED that the Superintendent or his designee is authorized to employ replacement certificated and classified employees and/or to assign current administrators to cover for absent employees, and to pay such personnel at a daily rate of \$500 per day. If necessary, the Superintendent or his designee may also authorize reimbursement for mileage in excess of ten (10) miles, as well as reimbursement for the cost of registering the applicant's credential with the Contra Costa County Office of Education; and

BE IT FURTHER RESOLVED that the Superintendent or his designee is directed that all student grades given during the emergency will stand as recorded and will not be made up or modified at the end of the emergency; and

BE IT FURTHER RESOLVED that the Superintendent is hereby authorized to contract with individuals, firms, or other public entities for services, as needed, to keep the schools operating in a normal manner, when a work stoppage is imminent or at any other time the Superintendent deems the situation warrants such emergency action; and

BE IT FURTHER RESOLVED that the Superintendent or his designee shall undertake appropriate action to implement this resolution, including, but not limited to, 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; and

BE IT FURTHER RESOLVED that the Superintendent or his designated representative shall be the sole district employee authorized to close any of the district's education facilities and suspend all extra-curricular activities and events, including sports, student clubs, ASB, after school programs and student supports. Such facilities shall be closed, and activities and events suspended, when in the opinion of the Superintendent or his 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; and

BE IT FURTHER RESOLVED that the Superintendent or his designated representative may authorize any appropriate legal action or defense in regard to matters relating to the emergency; and

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.

AYES: NOES: ABSENCES: ABSTENTIONS :

Debra Mason, Board President

Keisha Nzewi, Board Vice President

Cherise Khaund, Board Member

Linda Mayo, Board Member

Erin McFerrin, Board Member

Dr. Adam Clark, Superintendent

Resolution 21/22-62

Adopted at the meeting of the MDUSD Governing Board of Education on 03/15/2022
