

Policy

WORK STOPPAGES/STRIKES

The Alloway Township School District opposes the use of strikes by district employees as a tactic to pressure the board to make concessions for settlement of a collective bargaining contract because strikes by public employees are illegal. There is no authorization in law for strikes/work stoppages. Therefore, in the event of any such illegal action, the board shall direct that the necessary legal actions be taken.

The board believes school employee strikes are harmful to the public interest, are coercive in nature, are attempts to achieve immediate material gains for employees by depriving students of the education to which they are entitled and have a long term negative impact on the perception by the students of professionalism and dedication of the district's staff, and on the relations between the board and the striking employees, and between the administration and the striking employees.

In the event that a strike is under consideration by any district employee organization, all staff are requested not to permit any discussions with students regarding a strike to interfere with carrying out their regular teaching responsibilities. If students raise questions regarding any potential strike, staff are instructed to deal with the questions in accordance with policy 6144 Controversial Issues.

Staff are prohibited from requesting students to carry messages, oral or printed, to their parent/guardians that promote the position or carry an explanation of any employee organization that is engaged in or contemplating a strike (policy 1140 Distribution of Materials by Students and Staff).

It is the intention and resolve of the board of education to keep the school open during any strike in the interest of the students and the public, so long as the safety and welfare of the students and the security of district property is maintained.

In the event of a strike, including a partial strike, a coordinated, mass use of sick leave, or other concerted refusal by staff to perform their assigned duties, the chief school administrator is authorized to take whatever emergency steps are deemed necessary for the safety of students, reporting staff, and district property. Such steps shall be reported to the board of education as soon thereafter as administratively possible.

A. For the duration of any work stoppage or strike, the chief school administrator shall be authorized to:

1. Direct the board attorney to immediately take such legal steps as necessary to resolve the dispute;
2. Contract for or otherwise obtain transportation, food, telephone, utilities and such other services deemed necessary during the emergency;
3. Direct the administrator of each school to prepare a plan for any emergency, to include emergency schedules, lesson plans and assignment of personnel and such other activities necessary to conduct the education program;
4. Require any employee to work overtime and fix the hours of employment of all employees, and fix and pay daily rates for certified and non-certified substitutes which will attract the necessary personnel;
5. Assign or reassign personnel, and employ such additional personnel as are deemed necessary during the emergency;
6. Declare a minimum school day for students;
7. Close the schools when, in the opinion of the chief school administrator, the physical welfare of students, employees or the community is in jeopardy due to inadequate staffing or other reasons;
8. Cancel activities;
9. Make adjustments to the school calendar;
10. Make public statements, issue news releases, make or authorize all statements to parent(s) or legal guardian(s) during the emergency concerning the educational program, health, safety and welfare of the students. The chief school administrator is not authorized to make public statements, news

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releases or written statements concerning the status of negotiations, employee benefits, rights and privileges, and litigation;

11. Contact the local law enforcement and arrange for such police protection as the chief school administrator deems necessary to protect the safety and welfare of students and employees;
12. Arrange for security personnel;
13. After consulting with the board president, take other steps consistent with the intent of this policy.

B. During any work stoppage or strike, the following personnel policies shall be in effect:

1. Only emergency leaves of absence and proven sick leave will be authorized;
2. Effective the first day, all employees' absences, medical or otherwise, shall be substantiated by a doctor's statement or other authenticated documentation acceptable to the chief school administrator. Unauthorized absences shall result in a full deduction of one day's salary for each day of absence.
3. The board shall reserve the right to withhold payment of district contributions to employee benefit programs during an unauthorized absence;
4. On the day of absence, the employee must notify the chief school administrator before 3:00 p.m. concerning his/her work intentions for the following day, otherwise a substitute may be hired. The employee may not work and shall not be paid.

Adopted: June 19, 1990
 Revised: October 28, 2003, December 2019
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 Readopted:

Key Words

Strike, Work Stoppage, Protest, Settlement, Negotiation, Collective Bargaining

Legal References: N.J.S.A. 34:13A-3 Definitions
 N.J.S.A. 34:13A-5.3 Employee organization; right to form or join; collective negotiations

Possible

Cross References: *1140 Distribution of materials by students and staff
 *2131 Superintendent
 4000/4010 Concepts and roles in personnel, goals and objectives
 *4111.1/4211.1 Nondiscrimination/affirmative action
 *4112.6/4212.6 Personnel records
 *5142 Student safety
 *6144 Controversial issues

*Indicates policy is included in the Critical Policy Reference Manual.