

CHICO UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Special Board Meeting

Wednesday, February 25, 2015

5:00 p.m.

**Chico Unified District Office, Large Conference Room
1163 East 7th Street, Chico, CA 95928**

AGENDA

1. CALL TO ORDER

2. DISCUSSION/ACTION CALENDAR

2.1. HUMAN RESOURCES

2.1.1. Discussion/Action: Resolutions 1275-15 through 1286-15 Regarding Possible Job Actions

- 1275-15 Discretionary Authority of Superintendent When Concerted Employee Activity is Imminent and Until the Possibility of Such Activity Has Ceased
- 1276-15 Strike or Campus Demonstrations
- 1277-15 Protection of School Property During Concerted Employee Activity
- 1278-15 Authorized Personnel Only to be on School Premises During Employee Walkout or Strike
- 1279-15 Legal Advice, Employment of Legal Counsel, Filing of Legal Claims/Actions Relating to Concerted Employee Activity
- 1280-15 Unauthorized Employee Leave Relating to Concerted Employee Activity
- 1281-15 Employee Leaves and Attendance During Concerted Employee Activities
- 1282-15 Use and Compensation of Short Term or Substitute Classified Employees during Concerted Employee Activity
- 1283-15 Use and Compensation of Temporary and/or Substitute Teaching Employees During Concerted Employee Activities
- 1284-15 Closing of School Facilities During Concerted Employee Activity
- 1285-15 Contract for Services Relating to Concerted Employee Activity
- 1286-15 Premium Pay for Employees During Concerted Employee Activity and Other Times of Emergency

2.1.2. Discussion/Action: Consultant Agreement with James Whitlock

3. CLOSED SESSION

3.1. Public comment on closed session item

3.2. Update on Labor Negotiations

Employee Organizations:

Representatives:

CUTA
CSEA, Chapter #110
Kelly Staley, Superintendent
Bob Feaster, Asst. Superintendent
Dave Scott, Asst. Superintendent
Kevin Bultema, Asst. Superintendent
Joanne Parsley, Director
Jim Hanlon, Principal
Jay Marchant, Principal
Ted Sullivan, Principal
JoAnn Bettencourt, Principal
David Koll, Director

Dusty Copper, Supervisor
Dave McKay, Principal
JoAnn Bettencourt, Principal
Erica Sheridan, Asst. Principal
Damon Whittaker, Asst. Principal
Paul Gant, Attorney At Law

4. **RECONVENE TO REGULAR SESSION**
 - 4.1. Call to Order
 - 4.2. Report Action Taken in Closed Session
5. **ADJOURNMENT**

Elizabeth Griffin, President
Board of Education
Chico Unified School District

Posted:02/20/15
:mm

The Chico Unified School District Board of Education welcomes you to this meeting and invites you to participate in matters before the Board.

INFORMATION, PROCEDURES AND CONDUCT OF CUSD BOARD OF EDUCATION MEETINGS

No disturbance or willful interruption of any Board meeting shall be permitted. Persistence by an individual or group shall be grounds for the Chair to terminate the privilege of addressing the meeting. The Board may remove disruptive individuals and order the room cleared, if necessary. In this case, further Board proceedings shall concern only matters appearing on the agenda.

CONSENT CALENDAR

The items listed on the Consent Calendar may be approved by the Board in one action. However, in accordance with law, the public has a right to comment on any consent item. At the request of a member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item. Board Bylaw 9322.

STUDENT PARTICIPATION

At the discretion of the Board President, student speakers may be given priority to address items to the Board.

PUBLIC PARTICIPATION FOR ITEMS ON THE AGENDA (Regular and Special Board Meetings)

The Board shall give members of the public an opportunity to address the Board either before or during the Board's consideration of each item of business to be discussed at regular or special meetings.

- Speakers will identify themselves and will direct their comments to the Board.
- Each speaker will be allowed three (3) minutes to address the Board.
- In case of numerous requests to address the same item, the Board may select representatives to speak on each side of the item.

PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA (Regular Board Meetings only)

The Board shall not take action or enter into discussion or dialog on any matter that is not on the meeting agenda, except as allowed by law. (Government Code 54954.2) Items brought forth at this part of the meeting may be referred to the Superintendent or designee or the Board may take the item under advisement. The matter may be placed on the agenda of a subsequent meeting for discussion or action by the Board.

- Public comments for items not on the agenda will be limited to one hour in duration (15 minutes at the beginning of the meeting and 45 minutes at the end of the meeting).
- Initially, each general topic will be limited to 3 speakers.
- Speakers will identify themselves and will direct their comments to the Chair.
- Each speaker will be given three (3) minutes to address the Board.
- Once 2 speakers have shared a similar viewpoint, the Chair will ask for a differing viewpoint. If no other viewpoint is represented then a 3rd speaker may present.
- Speakers will not be allowed to yield their time to other speakers.
- After all topics have been heard, the remainder of the hour may be used by additional speakers to address a previously raised issue.

WRITTEN MATERIAL:

The Board is unable to read written materials presented during the meeting. If any person intends to appear before the Board with written materials, they should be delivered to the Superintendent's Office or delivered via e-mail to the Board and Superintendent 10 days prior to the meeting date.

COPIES OF AGENDAS AND RELATED MATERIALS:

- Available at the meeting
- Available on the website: www.chicousd.org
- Available for inspection in the Superintendent's Office prior to the meeting
- Copies may be obtained after payment of applicable copy fees

AMERICANS WITH DISABILITIES ACT

Please contact the Superintendent's Office at 891-3000 ext. 149 should you require a disability-related modification or accommodation in order to participate in the meeting. This request should be received at least 48 hours prior to the meeting in order to accommodate your request.

Pursuant to Government Code 54957.5, If documents are distributed to board members concerning an agenda item within 72 hours of a regular board meeting, at the same time the documents will be made available for public inspection at the Chico Unified School District, Superintendent's Office located at 1163 East Seventh Street, Chico, CA 95928 or may be viewed on the website: www.chicousd.org.

AGENDA ITEM: Resolutions 1275-15 through 1286-15 Regarding Possible Job Actions

Prepared by: Bob Feaster, Assistant Superintendent, Human Resources

☐ Consent

Board Date February 25, 2015

☐ Information Only

☒ Discussion/Action

Background Information

The Chico Unified Teachers Association (CUTA) has signaled clearly their intent to move teachers toward possible job actions up to and including a possible strike. The District has an obligation to plan for this possible event to ensure that we are able to remain a safe and positive place for students to receive quality instruction on all regularly scheduled school days and to provide for the safety and security of employees working during and for District facilities during any job action. This will require that the Board provide the Superintendent or her designee with the authority to respond to possible circumstances as they occur. The Resolutions coming forward for this meeting provide such authority and are listed below:

- | | |
|-----------------------|--|
| Resolution # 1275-15: | Discretionary Authority of Superintendent When Concerted Employee Activity is Imminent and Until the Possibility of Such Activity Has Ceased |
| Resolution # 1276-15: | Strike or Campus Demonstrations |
| Resolution # 1277-15: | Protection of School Property During Concerted Employee Activity |
| Resolution # 1278-15: | Authorized Personnel Only to be on School Premises During Employee Walkout or Strike |
| Resolution # 1279-15: | Legal Advice, Employment of Legal Counsel, Filing of Legal Claims/Actions Relating to Concerted Employee Activity |
| Resolution # 1280-15: | Unauthorized Employee Leave Relating to Concerted Employee Activity |
| Resolution # 1281-15: | Employee Leaves and Attendance During Concerted Employee Activities |
| Resolution # 1282-15: | Use and Compensation of Short Term or Substitute Classified Employees during Concerted Employee Activity |
| Resolution # 1283-15: | Use and Compensation of Temporary and/or Substitute Teaching Employees During Concerted Employee Activities |
| Resolution # 1284-15: | Closing of School Facilities During Concerted Employee Activity |
| Resolution # 1285-15: | Contract for Services Relating to Concerted Employee Activity |
| Resolution # 1286-15: | Premium Pay for Employees During Concerted Employee Activity and Other Times of Emergency |

Educational Implications

Should there be a job action initiated by CUTA the District needs to be prepared to offer a safe and positive place for students to receive quality instruction on all regularly scheduled school days. These Resolutions help provide such.

Fiscal Implications

Costs are unknown at this time. The District will track the costs it incurs for any job actions.

RESOLUTION NO. 1275-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Discretionary Authority of Superintendent
When Concerted Employee Activity is Imminent and
Until the Possibility of Such Activity Has Ceased**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED, in the event of an employee strike, walkout or other illegal pressure tactic, the District policy is to keep the schools open and operating. To accomplish this during such a situation, emergency operating procedures and resolutions are necessary in order to:

1. ensure the education, welfare and safety of the pupils;
2. ensure the rights and safety of all employees;
3. ensure the protection of public schools property;
4. provide the necessary staffing to fulfill the intent of the Governing Board.

BE IT FURTHER RESOLVED that the Superintendent or her designee(s) is granted discretionary authority to implement any and/or all of the following Resolutions, when in the sole opinion of the Superintendent or her designee(s) the situation warrants:

TITLE	RESOLUTION NUMBER
Discretionary Authority of Superintendent When Concerted Employee Activity is Imminent and Until the Possibility of Such Activity has Ceased	1275-15
Strike or Campus Demonstrations	1276-15
Protection of School Property During Concerted Employee Activity	1277-15
Authorized Personnel Only to be on School Premises During Employee Walkout or Strike	1278-15
Legal Advice, Employment of Legal Counsel, Filing of Legal Claims/Actions Relating to Concerted Employee Activity	1279-15

TITLE	RESOLUTION NUMBER
Unauthorized Employee Leave Relating to Concerted Employee Activity	1280-15
or Employee Leaves and Attendance During Concerted Employee Activities	1281-15
Use and Compensation of Short Term or Substitute Classified Employees during Concerted Employee Activity	1282-15
Use and Compensation of Temporary and/or Substitute Teaching Employees During Concerted Employee Activities	1283-15
Closing of School Facilities During Concerted Employee Activity	1284-15
Contract for Services Relating to Concerted Employee Activity	1285-15
Premium Pay for Employees During Concerted Employee Activity and Other Times of Emergency	1286-15

SUCH RESOLUTIONS SHALL remain in effect until suspended by the Superintendent or her designee(s).

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1276-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

Strike or Campus Demonstrations

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED, that if any District school employee, after reporting for duty and during assigned hours of service, participates in a sit-in, walkout, picketing, or any other demonstration in a school building or upon any school grounds, street, sidewalk, or publicly owned land adjacent thereto, or directs or advises any pupil to participate in any of the aforementioned activities, or to absent himself/herself from class or to leave school for these purposes, is guilty of insubordination and that he/she is subject to appropriate disciplinary action of the District. A notice of unsatisfactory service shall be issued and filed as part of the disciplinary action. If his/her presence(s) or act(s) continues to interfere with the peaceful conduct of the school or disrupts the school or its pupils or school activities, the employee shall be notified that he/she is subject to arrest in accordance with applicable sections of the Penal Code and the Education Code. If, in the opinion of the principal, the school employee's presence is detrimental to the welfare of the school or endangers the safety and well-being of the pupils of the school, he or she is to proceed to cause an arrest to be made by a Police Officer in accordance with applicable law.

BE IT FURTHER RESOLVED, that if an adult who is not an employee of the District, while on any school ground, street, sidewalk, or publicly adjacent thereto, directs or advises any pupil to leave school or stay out of class, or if his/her presence(s) or act(s) interfere with the orderly process, peaceful conduct of the school, or disrupts the school or activities of the pupils, he/she is to be warned that he/she is in violation of the Penal Code and Education Code and subject to arrest by a Police Officer if he/she continues any of the aforementioned activities.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:
NOES:
ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1277-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Protection of School Property
During Concerted Employee Activity**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED, that the Superintendent or her designee shall have the authority to take such immediate emergency steps as deemed necessary to assure the physical and educational wellbeing of pupils of the Chico Unified School District. The Superintendent or her designee shall also have full authority to take such steps as deemed necessary to insure and protect the physical wellbeing of all employees at the Chico Unified School District, as well as all properties owned by the District and supervised by the Board or its authorized agents.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1278-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Authorized Personnel Only to be on School Premises
During Employee Walkout or Strike**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur;

NOW, THEREFORE, BE IT RESOLVED, only authorized personnel may be allowed on school premises during a walkout or strike. Employees who are on strike or other unauthorized absence shall not enter school premises.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1279-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Legal Advice, Employment of Legal Counsel, Filing
of Legal Claims/Actions Relating to Concerted Employee Activity**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED, that the Superintendent or her designee is authorized to take all necessary legal action to prevent or terminate any work stoppage or other illegal pressure tactic that may occur.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1280-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Unauthorized Employee Leave Relating to
Concerted Employee Activity**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED, that Unauthorized Leave is defined as the nonperformance of those duties and responsibilities assigned by the Board and its representatives including all duties and responsibilities as defined by the applicable collective bargaining contract, the Education Code, rules and regulations of the State Board of Education and the policies and regulations of the Board of Trustees of the Chico Unified School District. Such Unauthorized Leave may include but is not limited to collective refusals to provide service, unauthorized use of sick leave, and unauthorized use of other leave benefits, and nonattendance at required meetings, and failure to perform supervisory functions at school sponsored activities. An employee is deemed to be on Unauthorized Leave at such time and on such occasions as the employee may absent himself/herself from required duties. Unauthorized Leave shall constitute a breach of contract, violation of the statutes of the State of California, and/or professional conduct and therefore, may result in the initiation of dismissal procedures, loss of salary and benefits, or such disciplinary action as may be deemed appropriate; and beginning on the first day of Unauthorized Leave no warrant shall be drawn in favor of any employee for the day(s) of unauthorized absence or the day(s) on which the employee has not faithfully performed all the duties prescribed. (Education Code Section 45055).

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1281-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Employee Leaves and Attendance
During Concerted Employee Activities**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED that the welfare and safety of pupils and the need to ensure minimal disruption to the delivery of educational services shall require, on every subsequent teaching day, that:

1. The provisions of the Agreement between the Chico Unified Teachers Association and the Chico Unified School District concerning Article 10 – Leave Policies.
2. The District may require teachers to certify in writing, without qualification, prior to 4:00 p.m. on each teaching day, whether they shall, or shall not, be in attendance upon their teaching duties on the next regularly scheduled teaching day. Unless compliance is specifically excused, failure of a teacher to certify that they will be in attendance upon their teaching duties shall result in no pay or benefits for the day in question and may result in the imposition of appropriate discipline.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:
NOES:
ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1282-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Use and Compensation of Short Term or Substitute Classified
Employees during Concerted Employee Activity**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED, that the Superintendent or her designee is hereby authorized to employ short term and/or substitute classified personnel for the duration of the concerted activity at the rate of pay now in effect or may exceed the rate of pay now in effect for regular classified employees, if necessary.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1283-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Use and Compensation of Temporary and/or Substitute Teaching
Employees During Concerted Employee Activities**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED that the Superintendent or her designee is hereby authorized to employ temporary and/or substitute teaching personnel and to pay such personnel at a daily rate determined by the Superintendent. If necessary, the Superintendent or her 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 Butte County Office of Education.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1284-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Closing of School Facilities
During Concerted Employee Activity**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED that the Superintendent or her designee shall be the only District employee authorized by the Board to close any school facility; and

BE IT FURTHER RESOLVED that the school facilities will be closed only, when in the sole opinion of the Superintendent or her designee, the health and safety of pupils or staff are in jeopardy.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1285-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Contract for Services Relating
to Concerted Employee Activity**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT 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.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

RESOLUTION NO. 1286-15

**RESOLUTION OF THE GOVERNING BOARD
of the
CHICO UNIFIED SCHOOL DISTRICT**

**Premium Pay for Employees During Concerted Employee Activity
and Other Times of Emergency**

WHEREAS, the Governing Board of the Chico Unified School District has determined that a strike or other illegal pressure tactic would disrupt the educational process, the Board has found it necessary to adopt the following resolution in order to assure the operation of the schools and to provide a continuous educational program for the pupils of the Chico Unified School District should such an event occur.

NOW, THEREFORE, BE IT RESOLVED, that when a work stoppage is imminent or any other time the Superintendent deems the situation warrants emergency action, the Superintendent or her designee is granted discretionary authority to remunerate employees beyond the salary schedule (premium pay) for performing additional assigned duties.

PASSED AND ADOPTED on _____, 2015 at a meeting of the Governing Board by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

President of the Governing Board

ATTEST:

Vice President of the Governing Board

AGENDA ITEM: Consultant Agreement with James Whitlock

Prepared by: Bob Feaster, Assistant Superintendent

☐ Consent

Board Date February 25, 2015

☐ Information Only

☒ Discussion/Action

Background Information

As negotiations with CUTA have moved into the Factfinding, CUTA has repeatedly mentioned its ability to strike. While CUSD hopes to avoid a strike or other job action, CUSD must also be prepared should CUTA take a job action. CUSD's first priority must be to provide a safe and positive educational environment for our students. Mr. Whitlock has expertise in preparing districts in the unfortunate event of a strike.

Educational Implications

Regardless of job action taken by a bargaining unit, CUSD is legally and ethically required to provide a safe and positive educational environment for students. Mr. Whitlock will work with District staff to take necessary steps to ensure a safe educational environment for students and staff.

Fiscal Implications

Mr. Whitlock will be paid at an hourly rate of \$155/hour for consultation services. The number of hours required will depend on the status of negotiations with CUTA. Should CUTA and CUSD agree on a contract, Mr. Whitlock's services will not be needed. Should CUTA decide to strike, Mr. Whitlock will work for CUSD for the duration of the strike.

**CONSULTANT AGREEMENT BETWEEN THE CHICO UNIFIED SCHOOL DISTRICT AND JAMES C. WHITLOCK, dba
COLLECTIVE BARGAINING SUPPORT SERVICES**

This Agreement is entered into effective January 26, 2015 by and between Chico Unified School District ("District") and James Whitlock dba Collective Bargaining Support Services ("Consultant").

For mutual consideration set forth below, the parties agree as follows:

1. Consultant shall render services related to emergency preparations, personnel and human resources to the District.
2. District agrees that Consultant possesses special expertise and is qualified to render the consultant services specified herein.
3. Consultant shall be compensated at the rate of one hundred fifty-five dollars (\$155) per hour for all consultant services rendered on behalf of District provided, however, Consultant shall charge not more than one (1) hour for travel time to the District and not more than one (1) hour travel from the District to the Consultant's residence.
4. Consultant shall be reimbursed for all actual and necessary expenses incurred in connection with Consultant's services to District. Such expenses shall include travel, mileage, lodging, meals and other out-of-pocket expenses reimbursable under District's policies and procedures.
5. Consultant shall submit to District monthly invoices for services rendered and expenses incurred. Consultant shall provide receipts for expenses incurred in the same manner as required by District policies and procedures.
6. It is understood and agreed that Consultant, while engaged in carrying out and complying with any of the terms of this agreement, is an independent contractor and is not an employee of District.
7. Consultant shall provide District with Consultant's tax identification number for purpose of issuing any tax reporting document required by law.
8. Either Consultant or District may, with or without cause, terminate this Agreement at any time upon written notice to the other party. It is provided, however, Consultant shall be entitled to payment for services and reimbursement for expenses incurred prior to any termination of this Agreement.
9. The parties agree that all disputes which arise between Consultant and District, whether financial or otherwise, shall be resolved by binding arbitration. The parties agree to waive their right to a jury trial and to an appeal.

IN WITNESS WHEREOF, Consultant and District execute this Agreement effective on the day and year specified above.

ON BEHALF OF CONSULTANT:

ON BEHALF OF DISTRICT:

James C. Whitlock
