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**INTRODUCTION**  
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# CHAPTER 1

## INTRODUCTION

1. MANAGEMENT TEAM. It is imperative all members of the Department's Management Team (those designated as supervisory, managerial, and confidential) fully accept their responsibilities and obligations. Incumbent with these responsibilities must be the realization the Management Team functions as one cohesive unit. It must be prepared to act in the event of internal strife to ensure disruptions are held to a minimum and the Department meets its obligations to the public. Failure to do so will undermine the collective bargaining process as well as alienate us from the public we are expected to serve. Accordingly, there is an expectation and demand that all members of the Management Team will act on behalf of the Department. Failure to do so will, by necessity, be dealt with in a most stringent manner.

2. CONCERTED JOB ACTIONS.

a. The participation of California Highway Patrol (CHP) employees in job actions such as work slowdowns, sick-outs, strikes, enforcement speed-ups, or reduced attendance is unauthorized during an employee's work hours.

b. Concerted job actions may be isolated to a specific command or may be on a statewide basis.

c. Departmental response to allied law enforcement agency job actions is governed by Highway Patrol Manual (HPM) 50.1, Emergency Incident Management Planning and Operations Manual.

3. INITIAL RESPONSE ACTION.

a. The Office of Employee Relations' (OER) commander (Job Action Coordinator) shall immediately notify the California Department of Human Resources (CalHR) upon the beginning of a job action. The CalHR must be made aware of the who, what, where, when, and why of the situation. A Job Action Status Report form provided by CalHR shall be completed by OER and delivered to CalHR at least daily (Annex A). To ensure uniformity, OER should be made aware of, and given the opportunity to consult with CalHR prior to, the initiation of any adverse action (including absent without leave separations or rejection during probation) against employees for any conduct related to a job action. Whenever information is received at any level of the Department that an employee or employee group is actively promoting a concerted job action, the commander shall:

- (1) Investigate and determine the nature and reason for the anticipated employee action, when and where it will occur, the degree of employee support, and the effect on the command's operation.
- (2) Notify the appropriate command levels, providing as much information as possible. Division will ensure the appropriate Assistant Commissioner and OER are notified.
- (3) Coordinate with Division and implement plans to minimize the disruptive effect of the anticipated job action. (Refer to Chapter 7, Job Action Contingency Planning, of this manual.)
- (4) Make every effort to document the activity of those persons responsible (i.e., audio and video recordings, photographs, and notes, to ensure dates, times, names, locations, number of people in attendance and their exact conversations and actions can be produced as evidence).
- (5) Immediately initiate a system of review to detect any increase or decrease in work efforts or any causes of unauthorized, improper absences.

#### 4. LEGAL ACTIONS.

- a. The merits of each situation will determine what action, if any, should be taken.
  - (1) During a job action, CalHR and the Office of the Commissioner, in conjunction with OER, will jointly decide on the emergency application of the provisions governing such matters as sick leave, vacation, holidays, insurance, unpaid leaves of absence, overtime, salary administration, etc.
  - (2) It is extremely important timely status reports detailing the nature of the job action, number of participants, number reporting for duty by shift, statements attributed to strike leaders, etc., be forwarded through Division to the appropriate Assistant Commissioner and OER.
  - (3) Upon direction of the Office of the Commissioner, OER will consult with CalHR to determine what legal course of action can and should be pursued.
  - (4) Advice obtained from CalHR will be disseminated to commanders.

5. EMPLOYEE DEMANDS.

a. The importance of promptly resolving grievances and other demands should not be lightly dismissed, as labor problems can often be prevented through a mutual resolution of grievances.

b. Some employees may make demands which can only be resolved at the bargaining table or by legislative action. While they usually appreciate the limited power of the employing agency, they wish only to have a forum from which to present the issues before the public. By law, CalHR is the state employer for collective bargaining purposes. The CHP does not have the authority to enter into a written agreement without prior delegation of authority by CalHR. Although any settlement discussions must be through CalHR, a commander can point out the futility of job actions and the benefits of alternative methods, and thus, avert an internal strife situation. If commanders display an attitude of arrogance or indifference, it may precipitate the strife they want to avert. Tact and diplomacy, coupled with timely action, are the keys to success.

c. Employee grievances can usually be resolved, but it takes conscientious effort and hard work, coupled with responsible decisions and responsible actions by all concerned.

6. LOCAL REACTION. Whatever action is taken at the local level must be based on the merits of the existing situation. It is imperative Management Team personnel use extreme care to ensure there is no overreaction in dealing with employees or sympathizing individuals or groups.

7. PRESS RELEASES. The appropriate Assistant Commissioner shall ensure the Office of Community Outreach and Media Relations (COMR) is kept current as to any internal strife problem. All news-related releases regarding statewide concerted job actions will be prepared by COMR and coordinated with the Office of the Commissioner and the OER commander prior to release.

8. OPERATIONAL PLAN.

a. Should an employee job action take place within a command, it will be essential for the commander to have an operational plan they can communicate quickly and accurately to their staff. Management Team personnel will want to know:

- (1) What they are to do.

- (2) How to carry out the specific task.
- (3) Where they are to be.
- (4) When they are expected to be there.
- (5) Who will be responsible for what actions.

b. The commander shall prepare a checklist to provide general guidance to the Management Team (Annex B).

9. DOCUMENTATION. In the event of departmental labor strife, the involved commanders shall maintain a daily record of chronological events associated with the labor dispute (Annex C). Additionally, commanders should provide supervisors with preprinted forms such as 3 x 5 cards for ease of carrying to record events as they occur (Annex D).

#### 10. EMPLOYEES' USE OF STATE FACILITIES.

a. Employee Meetings. Use of a state facility for employee meetings should be allowed consistent with the guidelines in HPM 9.1, Employee Relations Manual, Chapter 5, General Employee Relations Guidelines. If a job action has been announced, the use of the state facility is prohibited.

b. Communications Network. The state communications network or facilities shall not be used by employees to advocate or promote strikes, sick-outs, slowdowns, or other concerted activities. Such use of the state communications network is cause for adverse action.



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**ANNEX B**  
**LABOR STRIFE CHECKLIST**

CHECKLIST  
LABOR STRIFE  
COMMAND OPERATION

\_\_\_\_\_ SET PRIORITIES

- \_\_\_\_\_ Keep office open.
- \_\_\_\_\_ Provide maximum amount of road patrol with nonstriking personnel including supervisors, if necessary.
- \_\_\_\_\_ Provide for safety and security to:  
Nonstriking personnel  
Equipment, buildings, grounds.
- \_\_\_\_\_ Maintain as normal a program as possible.
- \_\_\_\_\_ Advise local law enforcement agency of situation.
- \_\_\_\_\_ Other.

\_\_\_\_\_ DETERMINE STAFFING NEEDS

- \_\_\_\_\_ Instruct all personnel to report to their regularly assigned work stations.
- \_\_\_\_\_ Fill all essential office staffing needs with personnel who are familiar with required functions, e. g., Management Information System machine operation, dispatching, court liaison.

\_\_\_\_\_ REMAIN ALERT TO POSSIBLE INTERFERENCE TACTICS

- \_\_\_\_\_ Harassment of personnel not involved in strike and public.
- \_\_\_\_\_ Interference with deliveries to office. (It may be necessary to use the Department's Business Services Section, Supply Services delivery service or pick up deliveries at local warehouses.)

\_\_\_\_\_ SABOTAGE OF

\_\_\_\_\_ Patrol vehicles (flat tires, sugar in gas tanks, etc.).

\_\_\_\_\_ Office (broken windows, jammed locks, nails in driveway, etc.).

\_\_\_\_\_ Communications (cut telephone lines, jammed radio frequencies).

\_\_\_\_\_ Other.





ANNEX D

SUPERVISOR'S LABOR STRIFE EVENT LOG

<b><u>LABOR STRIFE LOG</u></b>
NAME/ID# _____
DATE/TIME _____
PERSONS PRESENT _____
REASON FOR CONTRACT
ACTIONS AND/OR STATEMENTS (Use reverse side if needed)
SIGNED _____

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