

CHAPTER 2

STRIKES

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CHAPTER 2

STRIKES

1. DEFINITION. A “strike” is a temporary stoppage of work or a concerted withdrawal from work by employees to express a grievance or focus attention upon demands affecting wages, hours, and/or other working conditions. This action may involve all or a significant segment of the employees of this Department.

2. ACTIONS WHEN THE DEPARTMENT IS AWARE OF STRIKE.

a. Prior Events.

(1) Normally, a strike is preceded by a series of events such as unresolved grievances, employee discontent over pay raises, strike threats in the public news media, etc. Negotiations would have proved fruitless, an impasse would have been reached, mediation would have been unsuccessful, and the matter of dealing with the strikers would be management’s immediate concern.

(2) The Office of Employee Relations (OER) and the Office of Internal Affairs (OIA) will establish liaison with the California Department of Human Resources (CalHR) to ensure a coordinated departmental response.

(3) The OER and OIA, through the appropriate Assistant Commissioner, will ensure timely communications to Division Chiefs. Frequent communications between Divisions and their commanders are essential during this period.

b. Suggested Actions.

(1) In the event of a statewide strike, CalHR will attempt to obtain a court restraining order.

(2) In the event of a wildcat strike (less than statewide participation), the commander should attempt to obtain a court restraining order upon concurrence of Division and approval from the Office of the Commissioner. Such injunctions may tend to gain the support of the courts, the public, and the press, and may deter some employees from participating. This may also lessen the degree of participation by those actually engaged in a strike effort.

3. DETERMINING THE COURSE OF ACTION. The Office of the Commissioner, in conjunction with OER and CalHR, will determine the course of action to be taken against the strikers. This decision will be disseminated to the affected Divisions and

OIA. If the action to be taken is adverse, commanders will coordinate with OIA after obtaining the concurrence of Division.

4. ACTIONS WHEN THE DEPARTMENT IS UNAWARE OF A STRIKE.

a. Outward Acts. If an employee fails to notify the Department they are striking, and fails to report for duty, they will be considered absent without leave (AWOL).

b. Suggested Actions.

(1) Each employee should be contacted and the reason for their absence determined.

(2) If the employee is located, and it is determined no valid reason for absence exists, follow procedures contained in Highway Patrol Manual 10.3, Personnel Transactions Manual, Chapter 25, Absence Without Pay (Dock).

(3) If the employee is unable to be located, they are deemed AWOL. The AWOL procedures contained in HPM 10.3, Chapter 9, Separations, should be followed.

(4) Once the employee has returned to duty, Division shall be consulted to determine if an adverse action is appropriate. The process in HPM 10.2, Internal Investigations Manual, should be followed if an adverse action is initiated.

c. In the event of a wildcat strike (less than statewide participation), the commander should attempt to obtain a court restraining order upon concurrence of Division and approval of the Office of the Commissioner. Such injunctions may tend to gain the support of the courts, the public, and the press, and may deter some employees from participating. This may also lessen the degree of participation by those actually engaged in a strike effort.