

CHAPTER 5
GENERAL EMPLOYEE RELATIONS GUIDELINES
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CHAPTER 5

GENERAL EMPLOYEE RELATIONS GUIDELINES

1. GENERAL. Various entitlements and restrictions apply to excluded, and in some cases represented, employees. Most contracts have provisions which govern the subjects addressed below for represented employees. **When departmental policy conflicts with a contract, the provisions of the contract shall prevail.** In instances when the contract does not contain a provision, the limitations contained in this chapter shall be followed.

2. ACCESS.

a. Representational Purposes.

(1) Officials and designated representatives of recognized employee organizations, including supervisory organizations, shall be permitted reasonable access to work locations to meet with departmental employees on representational matters.

(2) A representative desiring access to a work location must state the purpose and request approval from that location's commander or designee within a reasonable amount of time prior to an intended visit.

(3) A representative must also obtain permission from their immediate supervisor to engage, during working hours, in business relating to representational matters. Permission to engage in such activity shall be granted promptly unless such absence would interfere with efficient operations. If permission is denied, an alternate time will be arranged.

(4) Access to a work location may be denied or delayed for reasons including safety, security, work load requirements, or other legitimate circumstances.

(5) Where access is denied, reasonable alternatives should be provided to allow representatives an opportunity to communicate with employees (e.g., establishing employee organization meeting rooms, providing space in a cafeteria or elsewhere in the facility).

b. Bona Fide Associations. Guidelines for the treatment of bona fide association representatives are located in Chapter 4, Employee Organizations, of this manual. Questions regarding the status of bona fide associations should be directed to Office of Employee Relations (OER).

3. BULLETIN BOARDS.

a. A recognized employee organization may use existing employee organization bulletin boards to post information or materials concerning the following subjects:

- (1) Notices and results of any official organization committee or meeting.
- (2) Notices of organization elections and their results.
- (3) Notices of organization recreational and social events.
- (4) Notices of other official organization business.

b. Any materials posted shall be dated and initialed by the organization representative, and a copy of all materials posted shall be provided to the commander or their designee at the time of posting.

c. Materials posted shall not be libelous, obscene, defamatory, or of a partisan political nature.

d. If doubt exists as to the propriety of material posted, OER should be consulted before removal.

e. If management contemplates removing employee organization material from a bulletin board, it should make a reasonable effort to contact the affected employee organization to explain the reason. If the organization representative refuses to withdraw the material posted, management retains final authority for removal.

4. EMPLOYEE ORGANIZATION BUSINESS ACTIVITIES.

a. During Assigned Working Hours. Employees shall not conduct or participate in employee organization business activities during assigned work hours. Employee organization business activities include those activities for which release time is not granted by the Ralph C. Dills Act, the contract, or departmental policy. Some examples include organization meetings, dues collection, and membership campaigns.

b. Definition of Non-Working Hours. Employees' "own time" or "non-working hours" are considered to be lunch periods, rest breaks, and time before and after work. Participation in employee organization business may, however, be restricted during rest breaks due to operational needs.

5. DISTRIBUTION OF EMPLOYEE ORGANIZATION LITERATURE.

- a. An employee representative may distribute organization literature before or after working hours or during meal and rest periods in non-working areas (e.g., cafeteria, break room). When management decides to limit or deny solicitation in a particular work location during non-working hours for reasons of safety, security, or potential disruption of work, or for other legitimate reasons, reasonable accommodations will be made in accordance with Department procedures.
- b. Employee mailboxes can be utilized for the distribution of organization literature. Such information received will be distributed to departmental employees based upon the Department's policies and procedures in distributing other non-business information.
- c. All literature distributed on site shall not be libelous, obscene, defamatory, or of a partisan political nature.

6. USE OF STATE TELEPHONES. Upon request, an employee representative shall have access, without cost, to state telephones for conducting employee relations business provided the use does not result in toll charges or interfere with the operation of the facility or office. State telephones may be utilized on previously approved release time or during the representative's non-working hours. Time expended utilizing state telephones for representational purposes on release time shall be recorded on a CHP 610, Representation Reporting, as outlined in Chapter 6, Release Time/Use of State Time for Representation, of this manual.

7. USE OF STATE EQUIPMENT AND SUPPLIES.

- a. Vehicles. State vehicles shall not be used for transportation by employees or employee organization representatives while participating in representational or employee organization business.
- b. Reproduction Equipment. Union stewards shall be permitted reasonable and occasional use of copiers for union representational purposes provided that such use does not result in additional costs to the state, nor interfere with state operations.
- c. Audio-Visual Equipment. Use of departmental audio-visual equipment by employee organization representatives may be permitted. A request to use the equipment must be made in advance and is subject to the consent of the appropriate commander or their designee.

d. Facsimile Machines. Union stewards shall be permitted reasonable and occasional use of machines for union representational purposes provided that such use does not result in additional cost to the state, nor interfere with state operations.

e. Electronic Communications Systems. The union shall be permitted incidental and minimal use of state electronic communications systems for communication of union activities as the Department permits for other non-business purposes. Use of these devices is not considered private or secure information and is subject to being monitored by the Department.

f. Notification/Approval. Use of state equipment or the time used for activities permitted in this section shall be subject to prior notification and approval by the employee's immediate supervisor.

8. MAIL SYSTEMS. Use of the state's and Department's internal mail systems for distribution of employee organization business is not permitted. Correspondence delivered through the United States Postal Service addressed to a particular individual at a specific work location will be opened and delivered to the employee unless marked "Personal and Confidential."

9. USE OF STATE FACILITIES.

a. Use Subject to Operational Needs. Employee organizations and/or associations-exclusive representatives, supervisory and excluded employee organizations, and bona fide associations are permitted the use of state facilities for organization meetings, subject to certain requirements. Approval is subject to the operational needs of the Department.

b. Requests. When an employee organization requests to use a state facility:

(1) The request must be made by an authorized representative of the organization to the commander or designee.

(2) The employee organization must provide reasonable advance notice prior to the date the facility is to be used.

(3) An employee organization may schedule the use of the facility prior to the start, or at the conclusion of Division/Area/Section meetings, training days, etc.

c. Employees attending these meetings shall do so voluntarily and shall attend on their own time.

d. Uniform Standards of Treatment. All recognized employee organizations shall be treated uniformly regarding the use of state facilities, equipment, space, etc.

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