

HUMAN RESOURCES MEMORANDUM 05-001		DATE ISSUED: 01/21/2005
SUBJECT: UNION ACTIVITY/ACCESS		REFERENCE: None
TO: Office Branch Chiefs, Personnel Liaisons; Attendance Clerks		SUPERCEDES: None

PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

Attached is the Department of Personnel Administration's memorandum addressing union activity and union access to State-owned and State-leased property. This memorandum is in response to the numerous questions raised by departments concerning union access to State-owned and State-leased property, union distribution of literature as well as the increasing union presence at various State facilities. Please share this with your managers, supervisors and facility operations personnel.

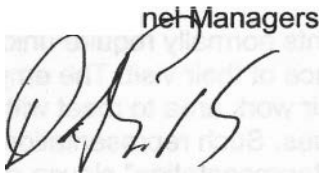
Questions regarding the memorandum should be directed to your assigned Labor Relations Specialist.

JINNY MUNRO, Manager
Labor Relations

cc: Classification and Pay Analysts
Personnel Transactions Unit

MEMORANDUM

DATE: January 14, 2005
TO: Departmental Labor Relations/Personnel Managers
FROM: **Dave Glib**
Chief of Labor Relations
Labor Relations Division
(916) 324-0476

nel Managers


SUBJECT: Union Activity/Access

This information is being shared to inform and assist Labor Relations Officers in the implementation of the union activity and access provisions of the individual bargaining agreements. The individual bargaining agreements contain language regarding union access to conduct representational activities at the work site. Typically, employees are authorized State release time to meet with union representatives, including but not limited to stewards who are state employees and other paid union staff members. Such access shall not interfere with the work or business operations of the department. Examples of an employee's right to meet with union representatives regarding representational issues include administrative processes such as:

- The enforcement of the bargaining agreement
- Employee discipline cases
- Informal settlement conferences with the Public Employment Relations Board
- Matters pending before the State Personnel Board

When considering a request for an employee's or steward's release time involving representational matters, supervisors are encouraged to remind the requesting employee or steward that such time is restricted only to representational matters as outlined in the bargaining agreements.

Addressee Name
Date
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The bargaining agreement language does not provide the union with a right to access for internal union business matters on State time, such as:

- Preparation for collective bargaining
- General discussion/distribution of internal union matters/literature
- Steward training
- Political activity
- Discussions between union officials regarding representational issues not otherwise covered by the bargaining agreement; example: discussions between two stewards regarding grievance strategy, etc.

Although the bargaining agreement language does not grant a right to access on State time for issues cited above, State departments may permit the use of their facility or conference rooms during non-work hours for such activities with prior management approval.

Individual bargaining agreements normally require union officials seeking access to employees to notify management in advance of their visit. The employees must seek their supervisor's approval to be absent from their work area to meet with their representative, at their worksite, regarding representational issues. Such representational meetings must occur and take place in accordance with the "Area of Representation" clause of the individual bargaining agreements.

Individual bargaining agreements also provide access to union officials for the distribution of union information. To clarify, it is important to review the individual bargaining agreements regarding this issue; however, in general access to the worksite for literature distribution is limited and more narrow than that provided for representational purposes. Additionally, it is important to note that distribution of literature access may be very different when conducting such business at a State-owned building v. at a State-leased building. The differences may include an area that is designated for distribution, such as, lobbies which may be restricted in leased facilities; however, distribution in the outside area of that facility would equally provide access to employees. Failure to administer the express terms of the activity/ access language may result in misuse of employee release time and cause other unknown problems.

DPA encourages State department to utilize the services of the Department of Personnel Administration's Labor Relations Officers as a resource for counsel, training and assistance with this and other labor relations issues.