

UC Davis Policy and Procedure Manual

Chapter 380, Personnel--General

Section 21, Employee Organization Access Regulations

Date: 3/23/09, reissued 11/19/13

Supersedes: 9/1/03

Responsible Department: Employee and Labor Relations

Source Document: Guidelines for Relations with Employee Organizations

I. Purpose

- A. The California Higher Education Employer-Employee Relations Act (HEERA) permits the University to make reasonable regulations on access to employees. This section contains the UC Davis regulations on such access.
- B. These regulations apply to:
 - 1. All employee organizations. An "employee organization" is one that includes employees of the University and that exists, in whole or in part, for the purpose of representing employees in grievances, collective bargaining, or disputes with management.
 - 2. All persons who are authorized to act on behalf of an employee organization. The term "employee organization representative" includes those who are employed by the University and those who are not.
- C. References to Employee and Labor Relations refer to either the Davis campus office or UCDHS office as appropriate based on the department/work location.

II. Policy

- A. It is the intent of the University to give employee organizations a reasonable opportunity to contact employees. Employee organizations have the right of access at reasonable times to areas in which employees work. They also have the right to use University general-purpose bulletin boards, employee mailboxes, and other means of communication, and to use University facilities at reasonable times for the purpose of meetings concerned with the exercise of their HEERA rights.
- B. These regulations shall not be interpreted or applied so as to disrupt or interfere with the normal operations of, or violate the safety requirements of, the Davis campus or the UCD Health System (UCDHS).
- C. HEERA rights may be exercised within the limits of these regulations.
- D. Employee & Labor Relations may publish additional access regulations for some University facilities.
- E. Although these regulations apply to all employee organizations, collective bargaining agreements may contain provisions that modify or supersede parts of these regulations. When the collective bargaining agreement is silent, these regulations apply. When there is a conflict, the language of the collective bargaining agreement shall control.

III. Registration

- A. Each employee organization must contact the Employee and Labor Relations Office to obtain an Employee Organization Registration form in order to register its designated representatives, including representatives who are UCD employees, and the mailing address to which notices are to be sent.
- B. The registration is used to identify those individuals who are authorized to conduct employee organization business on behalf of the employee organization.
 - 1. Only those persons designated by the employee organization may reserve meeting rooms

on behalf of the employee organization.

2. Only those designated persons who are also UC Davis employees are eligible for release time as may be described in the employees' respective collective bargaining agreement.

IV. Employee Organization Access to Areas in Which Employees Work

- A. Employee organization representatives shall not interfere with or interrupt normal operations, or disrupt employees who are in work status.
- B. An employee shall not participate in activities relating to employee organizations during work time except:
 1. When permitted by University policy or a collective bargaining agreement; or
 2. When approved by the Employee & Labor Relations Office; or
 3. When approved by his/her supervisor.
- C. Employee organization representatives shall have access to areas in which employees work for the purpose of conducting employee organization business only as follows:
 1. Nonwork areas. Employee organization representatives are permitted in nonwork areas (such as designated break rooms or other locations where employees congregate) during nonwork time.
 2. Work areas. Employee organization representatives are permitted in employee work areas only when all of the following conditions are met:
 - a. The employee organization representative contacts the department head (or designee) to confirm that the targeted employee(s) are in non-work status, and that the work area is appropriate for conducting employee organization business.
 - b. The employee is contacted during nonwork time.
 - c. The contact shall not interfere with or interrupt normal operations, or disrupt employees who are on work time.
 - d. The following are some examples of work areas that are not appropriate for conducting employee organization business.
 - 1) Immediate patient care areas, clinical laboratories, and clinical areas.
 - 2) Academic areas while instruction, learning, counseling, or research is in progress.
 - 3) Research areas where health and safety, or security of individuals or the research could be adversely affected.
 - 4) Student residential areas.
- D. For the purposes of access and participation in employee organization business, "nonwork status" is defined as time outside working hours, whether before or after work, or during meal or rest periods, when the employee is free from work obligations to use the time as he or she wishes.
- E. An employee organization representative may be excluded from a work area if the University makes another nearby area available for the conduct of employee organization business.
- F. For the security of the campus and the welfare of visitors, departments may designate areas that are not open to the public or unauthorized employees.
 1. Examples of these secured areas include but are not limited to records areas, cashier stations, private offices, student residence halls, shops, computer areas, radiation areas, animal care areas, some agricultural areas, warehouses, and pharmacies.

2. An employee organization representative must comply with the department visitor policy, or get permission to enter from the Employee & Labor Relations Office.

V. Use of University Facilities

A. Time, place, and manner of speech and assembly

Section 270-20 governs the time, place and manner of speech and assembly on University property. An employee organization has the same rights and is subject to the same requirements as any "other community organization."

B. Meeting rooms

1. The process for reserving a meeting room is described in Section 270-20.
 - a. An employee organization may use a meeting room only for a meeting attended principally by University employees.
 - b. Only those persons listed on the Employee Organization Registration form may reserve meeting rooms (see III, above).
 - c. Employee organizations may not reserve meeting rooms for purposes of "meeting and conferring" with the University.
2. The use of meeting rooms is subject to the availability of space, and to payment of the "variable costs" fees described in Section 270-20. Meeting rooms are scheduled as follows:
 - a. Campus Events & Visitors Services (CEVS) schedules general-purpose rooms on campus.
 - b. Conference Services schedules general-purpose rooms at UCDHS.
 - c. A department that schedules its own rooms must contact Employee & Labor Relations office before authorizing employee organizations to use such rooms.

C. Distribution of written materials

1. Bulletin boards

- a. An employee organization may use general purpose bulletin boards as described under the heading "General purpose University bulletin boards" in Section 310-27.
- b. The use of department bulletin boards is prohibited.
- c. Nothing may be affixed to walls, ceilings, floors, light fixtures, doors, elevators, stairways, or other structures.

2. University mail service

An employee organization shall not send materials through the University mail service.

3. U.S. mail

U.S. mail received by the University that bears an employee's name and address will be distributed to the employee in the normal manner.

4. Leaflets

An employee organization may distribute noncommercial literature in accordance with the rules on outdoor and indoor distribution in Section 310-25.

5. Mailboxes

Literature may be placed in mailboxes that are labeled with employee names.

- a. If the mailbox area is open to the public, an employee organization may place literature in the mailboxes.
 - b. If the mailbox area is not open to the public, an employee organization may give literature that is labeled with employee names to the department manager. The department will place the literature in the mailboxes.
6. Literature racks
- In a location where a literature rack exists, an employee organization may use it, if it has been approved for this purpose by Employee & Labor Relations.

D. Supplies and equipment

1. Employee organizations and their representatives shall not use University supplies and equipment, including, but not limited to, automobiles, computers, projectors, office supplies, copy machines, and typewriters.
2. The use of University telephones, fax machines, electronic mail, and other electronic means of communication by an employee organization or its representatives shall conform to applicable University policy. The Employee & Labor Relations Managers may approve exceptions.

VI. Administration of Access Rules

- A. The Davis campus Employee & Labor Relations Director and the UCDHS Associate Director-- Human Resources have been delegated the authority to determine whether an employee organization has committed a violation of University policy, and to impose sanctions.
- B. Sanctions may be imposed on employee organizations and their representatives. In addition, University employees are subject to corrective action as described in the applicable personnel policy or collective bargaining agreement.
- C. When an employee organization or its representative has violated a University policy, sanctions may be imposed for a specified period. The sanctions may include, but are not limited to:
 1. Loss of bulletin board posting privileges.
 2. Loss of room reservation privileges.
 3. Loss of access to all or part of the campus.
 4. Loss of payroll deduction privileges.
 5. Fines or making whole of any monetary loss incurred by the University or its employees.
- D. The following procedure shall be used in case of a violation of a University policy or regulation. Communications may be sent via fax, hand delivery, or U.S. mail.
 1. The supervisor or manager reports the violation to their Employee and Labor Relations office as soon as possible.

The Access Violation Report Form is available at <http://www.hr.ucdavis.edu/Forms>.
 2. If the violation disrupts business operations, the supervisor, manager, or Employee and Labor Relations office contacts the Police Department.
 3. If it appears likely that an access violation has occurred, Employee and Labor Relations notifies the employee organization and investigates the case.
 4. The Davis campus Employee and Labor Relations Director or UCDHS Associate Director—Human Resources decides whether a violation has occurred, and if so, determines the sanction to impose.

5. Employee and Labor Relations sends notice of the decision to the employee organization.
6. The employee organization may appeal to the Associate Vice Chancellor—Human Resources. If the appeal is postmarked or received within 3 business days of the notice, the sanction is stayed during the appeal.
7. The Associate Vice Chancellor—Human Resources reviews the appeal and either upholds or reverses the finding; affirming, reducing, or reversing the sanction.

VII. Further Information

Contact the Employee & Labor Relations Office.

VIII. References

- A. Higher Education Employer-Employee Relations Act, California Government Code, Sections 3560-3599 (<http://www.leginfo.ca.gov/calaw.html>).
- B. Guidelines for Relations with Employee Organizations, President Saxon to Chancellors, April 24, 1980.
- C. UC Davis Policy & Procedure Manual (<http://manuals.ucdavis.edu/PPM/about.htm>):
 1. Section 270-20, Use and Reservation of University Properties and Event Arrangements.
 2. Section 310-25, Distribution of Information and Literature.
 3. Section 310-27, Posting of Information.
 4. Section 390-20, Maintenance of Order.
- D. University collective bargaining agreements (http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/collective_bargaining_agreements.html).
- E. University of California, Davis, Medical Center Access Regulations.