July 9, 1981

MEMO TO: School Deans, Department Chairs, Administrative Heads

FROM: Gail Fullerton, President

SUBJECT: Employee Rights under the Higher Education Employer-Employee Relations Act (HEERA)

Under the provisions of the Higher Education employer-Employee Relations Act, both management and employee organizations are subject to specific rules and regulations guaranteeing certain employee rights. It is your responsibility and obligation as managers and supervisors to recognize these rights. Under HEERA employees are guaranteed the right to form, join and participate in employee organizations and the activities of these organizations, as well as the right to refuse to join or participate in the activities of these organizations.

These rights are guaranteed and are limited only insofar as such activities would disrupt the campus business or violate the security, safety or health regulations of the campus. All organizational activity should be conducted outside of an employee’s work time.

HEERA requires that the employee organizations and management group observe the following provisions of the Act when dealing with employees:

MANAGEMENT MUST NOT:

1. Deny to employee organizations rights guaranteed to them by HEERA.
2. Refuse or fail to engage in meeting and conferring with an exclusive representative (when and if an exclusive representative is selected).
3. Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another.
AN EMPLOYEE ORGANIZATION MUST NOT:

1. Cause or attempt to cause the higher education employer to violate HEERA.
2. Refuse or fail to engage in meeting aid-conferring with the higher education employer.
3. Fail to represent fairly and impartially all the employees in the unit for which it is the exclusive representative (when and if an exclusive representative is selected).
4. Require of employees covered by a memorandum of understanding to which it is a party the payment of a fee, as a condition precedent to becoming a member of such organization, in an amount which the PERB finds excessive or discriminatory under all the circumstances.

Please make the information contained in this memorandum and the attached Title 5 sections on Policy for Employee Organizations available to all employees. Managers and supervisors are also reminded to refer to the Management Guide for Implementation of HEERA dated 1979.

GF:ks

cc: Academic Vice President
    Executive Vice President
    Associate Academic Vice President
    Associate Executive Vice President
    Director, ISC
    Dean, Student Services
    Director, Business Affairs
    Director, Admissions and Records Personnel Officer
TITLE 5  CALIFORNIA STATE UNIVERSITY AND COLLEGES (Register 79 No. 19-5-12-79) (p. 593)

43701  Reports.
The Chancellor shall report requests to the Chairman of the Board of Trustees and to the Chairman of the Committee on Faculty and Staff Affairs. Periodically, he shall report on such meetings to the Chairman of the Committee on Faculty and Staff Affairs of the Board of Trustees.

43702  Reservation of Authority
The Chairman of the Board of Trustees may, in his discretion, cause the Board or a committee thereof to meet and confer with representatives of employee organizations.

43703  Policy for Employee Organizations
The several campuses and the Office of the Chancellor of The California State University and Colleges will operate under the uniform, systemwide policy governing relationships with employee organizations engaging in organizational activities, provided by Sections 43703 through 43711 of this Article. The Chancellor or the Chancellor’s designee shall prescribe and may from time to time revise rules and procedures concerning campus relations with employee organizations. Only employee organizations which have been verified by the Office of the Chancellor in accordance with Section 43710 are entitled to privileges of this policy. Campuses will be informed as to those organizations which have been verified. Persons representing organizations which purport to represent campus employees but which have not been verified, shall be referred to the Office of the Chancellor.


HISTORY:
1. New section filed 5-8-79; effective thirtieth day thereafter (Register 79, No. 19)

43703.1  Definitions
The following definitions apply to the terms used in Sections 43703 through 43711.
(a) “Campus” includes the various work locations of employees of The California State University and Colleges including the Office of the Chancellor.
(b) “Chief Executive Officer” means, in the Office of the Chancellor, the Chancellor or the Chancellor’s designee, and on a campus, the President or the President’s designee.
(c) “Employee organization” means any organization of any kind in which Campus employees participate and which exists for the purpose, in whole or in part, of dealing with the employer concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment of employees. An academic senate or other similar academic bodies or divisions thereof shall not be considered an employee organization.
(d) “Organizational activities” means any activities engaged in by an employee organization on any campus except for representation of employees in grievances, disciplinary actions, and meet and confer sessions held pursuant to Sections 43700 and 43702 of this Article.
(e) “Work time” means time in which an employee is expected to be performing services for the campus. Work time would normally not include scheduled rest breaks and lunch periods.


HISTORY:
1. New section filed 5-8-79; effective thirtieth day thereafter (Register 79, No. 19)
43704. Representatives

Employee organization officers and representatives who are not employees of the campus and who desire to carry on organizational activities on the campus must notify the Chief Executive Officer prior to conducting activities on behalf of an employee organization. This notice shall conform to the procedures designated for that purpose by the Chief Executive Officer. Campus procedures may require the identity of the campus visitor, the time of the visit, and the areas to be visited.


HISTORY:
1. New section filed 5-8-79; effective thirtieth day thereafter (Register 79, No. 19).

43705. Use of Campus Facilities.

Use of campus facilities by employee organizations shall not interfere with or disrupt campus business or violate security, safety, or health regulations of the campus. All meetings shall be conducted outside the work time of employees in attendance. If costs for additional maintenance or security are incurred by the use of facilities, such costs shall be borne by the employee organization.

Campus offices provided to employees shall not be used by employee organizations for organizational activities. Office space will not be provided to employee organizations.


HISTORY:
1. New section filed 5-8-79; effective thirtieth day thereafter (Register 79, No. 19).

43706. Display and Distribution of Organizational Materials.

Display and distribution of organizational materials may be made only at designated points on the campus. Organizational materials may not be distributed to employees on their work time. An adequate number of designated points, including space on bulletin boards, shall be provided at each campus. This rule does not cover personal apparel items, such as lapel buttons, and Automobile bumper stickers placed on private automobiles by their owners.


HISTORY:
1. New section filed 5-8-79; effective thirtieth day thereafter (Register 79, No. 19).

43707. Campus Mail Services.

Subject to reasonable regulations, including charges where additional costs are incurred, representatives of verified employee organizations shall be afforded access to campus mail services and mail boxes for the purpose of distributing materials to employees. All materials distributed under this provision must identify the employee organization which is distributing the materials. One copy of the materials distributed through campus mail services or mail boxes must be directed to the Chief Executive Officer along with the name and telephone number of the representative responsible for the distribution.


HISTORY:
1. New section filed 5-8-79; effective thirtieth day thereafter (Register 79, No.19).
43708. Organizational Solicitation.
Solicitation by nonemployee representative of employee organizations shall not occur during work time. Employees may not engage in solicitation for or against employee organizations or for or against issues at times which will interfere with their own work or the work of other employees. In the event that it is not possible for a representative of a verified employee organization to communicate with an employee during non-work times, such employee organization shall be afforded reasonable opportunities as determined by the Chief Executive Officer to communicate with employees so long as such communication does not interfere with the work of the campus or violate security, safety or health requirements.
NOTE: Authority cited: Education Code Sections 66600, 66606, 89030 and 89031 and Government Code Section 3532
Reference: Government Code Section 3532.
HISTORY:
1. New section filed 5-8-79; effective thirtieth day thereafter (Register 79, No. 19).

43709. Use of Campus Equipment
Campus equipment and supplies shall not be used by employee organizations for any purpose. Campus telephones may not be used for organizational activities.
HISTORY:
1. New section filed 5-8-79; effective thirtieth day thereafter (Register 79, No. 19).

43710. Verification of Employee Organizations.
Each employee organization which desires to represent campus employees shall be required to furnish the Office of the Chancellor at the time of initial verification, and subsequently between October 1 and 15 of each year, a written statement containing:
(a) The name and address of the employee organization, its parent body, if any, and its affiliates, if any.
(b) The names and addresses of the employee organization’s principal officers and all representatives who are authorized to represent the organization, specifying to which campus(s) each officers and representative’s authority applies.
(c) A description of the employee classifications the employee organization is seeking to represent.
(d) A copy of the Constitution and By-laws of the organization, its parent body, if any, and its affiliates, if any.
(e) A statement that one of the organization’s purposes is the representation of CSUC employees concerning, in whole or in part, grievances, labor disputes, wages, hours, and other terms and conditions of employment of employees.
Employee organization shall promptly amend these written statements during each year as changes occur. The Office of the Chancellor will notify each campus of the filings concerning the campus.
HISTORY:
1. New section filed 5-8-79; effective thirtieth day thereafter (Register 79, No.19).