

UCOP Human Resources Procedure Supplement F Access Rights Guidelines Governing Use of UCOP Facilities and Property by University and Non-University Employees, Employee Organizations and Designated Representatives.

I. Policy – References

Higher Education Employer-Employee Relations Act (HEERA)
Personnel Policies for Staff Members (PPSM)
UC Electronic Communications Policy/Implementation Guidelines (November 2000)
UCOP Supervisory Criteria/Guidelines (February 2003)
Applicable Collective Bargaining Agreements

II. Introduction – General Principle

The Higher Education Employer-Employee Relations Act (HEERA) is the state law that governs labor relations for University of California employees. Except as otherwise provided by this policy, statutory employees shall have the right to form, join, and participate in activities of employee organizations of their own choosing for the purpose of representation on matters of employer-employee relations. UCOP employees shall also have the right to refuse to join or participate in activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the University.

These guidelines are established in order to:

1. Provide reasonable guidelines for access to all UCOP employees; and
2. Provide fair and equitable treatment to all employees/organizations and designated representatives representing employees.

Through these guidelines it is the University's intent to provide designated representatives of all employee organizations reasonable opportunity, through a variety of means, to contact individual employees without interfering with or disrupting the work of the University. These guidelines are issued pursuant to applicable sections of HEERA.

III. Application of Guidelines

These guidelines apply to all UCOP employees, applicable employee organizations and designated representatives which have as a primary purpose the representation of employees in their employment relations with the University unless otherwise modified by specific sections of a collective bargaining agreement. This also applies to the activities of all such organizations regardless of the academic or staff composition of their memberships. Under no circumstances should these guidelines be interpreted or applied so as to impede, disrupt, or interfere with normal operations of UCOP locations.

IV. HEERA Definitions of Employee Categories

Confidential Employee: Any employee who is required to develop or present management positions with respect to meeting and conferring or whose duties normally require access to confidential information which contributes significantly to the development of such management positions.

Employee Organization: Any Organization of any kind in which higher education employees participate and which exists for the purpose, in whole or in part, of dealing with higher education employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment for employees. Academic senates, or other similar academic bodies, or divisions thereof, are not considered employee organizations under HEERA.

Exclusive Representative: An exclusive representative is a union which has been recognized by the employer or certified by the Public Employment Relations Board (PERB) as the collective bargaining agent for all employees or are authorized to act as representative and/or stewards of the employee organization.

Exclusively Represented Employee: Employee for whom an exclusive representative has been selected as a result of the PERB process. Notice of proposed changes in terms and conditions of exclusively represented employees' employment is owed not to the affected employees but to the exclusive representative itself.

Managerial Employee: Any employee having significant responsibilities for formulating or administering policies and programs.

Non-Exclusively Represented Employee: Employee in a unit which is not represented by an exclusive representative or who are not designated as being in any unit.

Supervisor is any employee, who supervises two (2) or more subordinates (exceptions to this requirement may be made in consultation and coordination with the local UCOP Chief Human Resources Officer [or designee]) and has authority when exercising independent decision-making, or effectively exercises independent judgment to recommend actions in consultation and coordination with his/her higher-level manager, and the local UCOP Human Resources' Manager, Employee-Labor Relations. The exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Such employees typically exercise independent decision-making in at least four (4) of the following six (6) supervisory functions (Exceptions to this requirement for employees who exercise at least three (3) but not four (4) of the six (6) supervisory functions may be made in consultation and coordination with the local UCOP Chief Human Resources Officer (or designee). Please refer to the local UCOP Supervisory Criteria/Guidelines for additional detail.

V. Facility Use/Meeting Rooms/Table Space

Employees/employee organizations and designated representatives shall be permitted use of University general purpose rooms and spaces during normal business hours subject to availability on non-work time (could be work time if employee is released). Non-work time is defined as outside the regularly scheduled working hours of the University employees attending, including before work, rest periods, regularly scheduled meal periods, and/or after work. Reservations for use of these rooms and spaces are to be scheduled in advance through the iSchedule/Facilities Administration Workforce Center. Access to and use of these facilities is contingent upon respectful conduct in keeping with the UCOP Principles of Community and reasonable care while in use. Fees for use may be charged consistent with applicable policy to the same extent as other non-work activities. Employees shall not conduct or attend employee organizational meetings or activities during their regularly scheduled hours of work.

Where University operations are conducted in leased or rented space, employee organization activities shall be consistent with the property rights of the owner and the University's obligations pursuant to its lease or rental agreement.

VI. Bulletin Boards/Posting Guidelines

Employees/employee organizations and designated representatives shall be permitted use of bulletin boards for the purpose of communicating information to employees relative to the purpose and function of the organization to the same extent as other non-work activities. No literature or other materials may be affixed to walls, floors, ceilings, elevators, stairways, etc. at any time, excluding the walls inside "employee cubicles". Posted materials are to be dated and initialed by the employee organization representative/steward responsible for the posting. No materials shall remain posted for a period greater than thirty (30) calendar days unless otherwise agreed to in advance by both parties.

The local UCOP Employee-Labor Relations Manager (or designee) shall contact affected employees or organizations to meet and discuss any concerns regarding the content of materials posted or distributed to UCOP employees. A listing of general-purpose bulletin boards for employee use may be requested from the local UCOP Employee-Labor Relations Office. Materials posted on bulletin boards shall be no larger than 11" X 14" in size.

VII. Distribution of Materials

Employees and employee organizations shall be permitted to distribute materials related to the organizations' representational purposes where such distribution or activities do not interfere with the work process and for which there is no charge.

VIII. Mail Delivery Services

As a general rule, all United States mail received by the University which bears an employee name, an accurate address, and fully prepaid first class postage will be distributed to the employee in the normal manner. In locations where employee mail boxes exist, employee organizations and their representatives/stewards may reasonably use such boxes provided the boxes are not located in a confidential and/or restricted work area. If employee mail boxes are located in confidential and/or restricted areas, arrangements can be made with the local UCOP Employee-Labor Relations Office on an as needed basis to distribute employee organization/union mail on the same basis as other non-University un-stamped mail is delivered. For information regarding employee mailboxes, please contact the local UCOP Employee-Labor Relations Office at (510) 987-0879.

IX. Use of University Property, Telephones and Electronic Communication Systems

Personal Use: University users of a University electronic communications facility or service may use that facility or service for incidental personal purposes in accordance with the Electronic Communications Policy (effective November 17, 2000).

Email Usage: The University encourages the use of its electronic communication systems and resources and makes them widely available to the University community. Nonetheless, use of electronic communication resources is limited by restrictions in the electronic communications policy. Designated employee representatives may use their University e-mail accounts for the purpose of conducting union business as specified in applicable collective bargaining agreements. Employees may use their University email accounts as long as such use complies with the University's policies regarding electronic mail/electronic communications. The University reserves the right to deny access to its electronic communication resources when necessary in accordance with applicable policies and procedures.

Telephone Usage: University telephones are provided for University business. Nonetheless, designated employee representatives may use University telephones for the purpose of conducting union business as specified in applicable collective bargaining agreements. Employees may use University telephones for personal use as long as such use complies with University policies regarding the same. The frequency and duration of permitted telephone usage shall not interfere with or disrupt the employee's completion of work assignments, or disrupt or impair the efficiency of University programs or operations. Employees are responsible for paying any costs associated with such usage in accordance with applicable University and departmental procedures governing the personal use of telephones.

X. Identification of Person(s)

Employee organization designated representatives must identify themselves when requested to do so by University personnel when conducting employee organization business on University premises. Such personnel may include, but is not limited to, division/department heads, managers, supervisors, security, and/or other University agents. In addition, changes in the list of names and mailing addresses of employee organization officers and representatives shall be submitted to the UCOP Employee-Labor

Relations Office as they occur. Please see applicable instructions posted regarding entry/access at the various locations (e.g., Kaiser, 20th Street, etc.).

XI. Access to University Employees

- A. Employees/organizations and their designated representatives are permitted to conduct employee/organizational business in non-work areas (e.g., lunch room). For the purpose of these guidelines only, rest periods are not considered work time.
- B. Employees/organizations and their designated representatives are prohibited from conducting employee organization business during an employee's work time, in general.
- C. Employees/organizations and their designated representatives are generally permitted in employee work areas only when:
 - 1. Employees are not on their work time; and
 - 2. The conduct of the employee organization business is not disruptive to other employees who are on their work time; and
 - 3. The work area is appropriate for such business. Work areas deemed to be inappropriate and thus prohibited from general use for such business to the same extent as other non-work activities shall include confidential or secured work areas such as personnel and payroll records, computer operations areas, etc. Use of these areas is limited to employees' regularly assigned to these areas unless otherwise authorized.
 - 4. Employee organizations and designated representatives may contact the local UCOP Employee-Labor Relations Office regarding access to employees working in confidential or secured work areas, as needed.
- E. Employees/organizations and their designated representatives may be requested to make room or facility changes within a reasonable proximity based upon scheduling conflicts and operational needs to the same extent as other non-work activities.

XII. Administration of Access Guidelines – Non-University Employees/Organization Representatives

The University has the right to enforce reasonable access rules and regulations as promulgated at each location. Accordingly, the local UCOP Human Resources and Employee-Labor Relations Office has delegated authority to determine whether or not non-University employees/organizations and their designated representatives have committed a violation of University policy, and to impose sanctions for a specified period of time if found to be true.

Please note this section does not apply to University employee organizations or their designated representatives. University employees found in violation of policy or regulatory requirements may be subject to individual corrective action pursuant to applicable policy and collective bargaining agreements.

Such sanctions may include, but are not limited to:

- 1. Loss of bulletin board posting privileges.
- 2. Loss of room reservations privileges
- 3. Loss of access to all or part of UCOP location(s).
- 4. Fines or making whole of any monetary loss incurred by the University or its employees.

Reports of Access Violations

The following procedure shall be used in cases of alleged violations of University policy or regulation.

- The University will investigate any reports of alleged violations of these rules and will determine whether rules have been violated. The University will contact the non-employee/organization and designated representative to discuss next steps, including imposition of sanctions, if warranted, under these guidelines.

XIII. Additional Information

Questions or concerns regarding these regulations should be addressed to the local UCOP Employee-Labor Relations Office at (510) 987-0879.