

Personnel - Employee Relations

4600 Effect of Collective Bargaining Agreement

Policies 4600 and 4610 shall be applicable to bargaining unit members if these policies do not conflict with any collective bargaining agreement in effect.

General Policy

The Board of Trustees of the Chabot-Las Positas Community College District recognizes the right of its employees to join organizations of their own choice and to be represented by such organizations in their professional and employment relations in accordance with the provisions of Government Code Sections 3540-3549. These sections of the Government Code allow employees to select an exclusive representative for the purpose of meeting and negotiating with respect to wages, hours of employment, and specified terms and conditions of employment.

Whether or not groups of Chabot-Las Positas Community College District employees choose to exercise their prerogatives in accordance with Government Code Sections 3540-3549, the Board intends to continue to maintain the cooperative relationship that it has had with its employees. The Board remains committed to reasonable and safe conditions of employment and to fair and competitive wages and salaries that are within the financial resources of the District.

The Board's highest priority is to maintain quality educational programs and services that are responsive to the needs of the community and students, and all District employees are encouraged to share this priority. It is important that processes designed to obtain the advice and participation of the faculty and staff in educational matters are not associated with employee organizations which have as a primary purpose meeting and negotiating over wages, hours of employment, and terms and conditions of employment.

These advisory processes shall be developed and maintained apart from the issues that are primarily matters of meeting and negotiating. When employee organizations exercise their right to consult on educational matters, institutional processes shall not be by-passed through such consultation.

Regulations

It is also necessary that the Board adopt policies for the purpose of allowing an orderly implementation of Government Code Sections 3540-3549. Thus, the following policies are hereby adopted:

Personnel - Employee Relations

4600 Effect of Collective Bargaining Agreement

1. Designated Management and Confidential Employees

- a. Government Code Section 3540.1(g) directs the Board to designate "management employees." The definition of this group of employees is . . . any employee in a position having significant responsibilities for formulating District policies or administering district programs." The following positions fall within that definition:

Administrative Intern	Director of Research and Planning
Assistant Controller	Director, Safety and Security
Assistant Dean	District Budget Officer
Assistant Manager, Bookstore	District Dean, Economic Development & Continuing Education
Assistant Manager, MIS	District Director of Public Information and Marketing
Chancellor	Executive Director of the Foundation
Chief Technology Officer	Manager, Bookstore
Contract Education Program/ Account Manager	Manager, Employee Benefit Programs
Controller	Manager, Purchasing and Warehouse Services
Dean	President
Director, Admissions & Records	Vice Chancellor of Business Services
Director, Financial Aid	Vice Chancellor of Educational Services & Planning

Personnel - Employee Relations

4600 Effect of Collective Bargaining Agreement

Director, Human Resources	Vice President, Academic Services
District Director, Facilities Planning & Management	Vice President, Business Services
Director, Maintenance & Operations	Vice President, Student Services
Director, Media Services	

- b. Pursuant to the definitions stated in Government Code Section 3540.1(c), the Board of Trustees designates the following positions by title category as confidential positions:

Business Operations Coordinator
Executive Assistant/Coordinator
Executive Assistant to College President
Executive Assistant, Planning
Executive Assistant to Vice President
Human Resources Specialist
Human Resources Technician I
Human Resources Technician II
Office Assistant I
Office Assistant II
Public Information Assistant

This designation does not negate the responsibility of any employee who is privy to confidential information to adhere to the ethical responsibility to maintain confidentiality.

- c. Pursuant to the definition stated in Government Code Section 3540.1(m), the Board of Trustees designates the following positions by title category as supervisory positions:

Accounting Supervisor
Children's Center Manager

Personnel - Employee Relations

4600 Effect of Collective Bargaining Agreement

Children's Center Assistant Manager
College Business Office Supervisor
Computer Operations Supervisor
Custodial Manager
Custodial Supervisor
Financial Aid Officer
Grounds Manager
Grounds Supervisor
Instructional Technology/Open Learning Coordinator
Maintenance Manager
Maintenance Supervisor
Payroll Supervisor
Security Supervisor
Senior Instructional Network Systems Specialist
Teacher Preparation & AmeriCorps Program Manager
Theatre Manager

2. Rights of Access

Government Code Section 3543.1(b) states: "Employee organizations shall have the right to access at reasonable times to areas in which employees work, the right to use institutional bulletin boards, mailboxes, and other means of communication, subject to reasonable regulation, and the right to use institutional facilities at reasonable times for the purpose of meetings concerned with the exercise of the rights guaranteed by this chapter."

The following regulations shall apply to those employee organizations which fall within the definition of Government Code Section 3540.1(d):

- a. A reasonable number of employee organization representatives shall have the right of access to areas in which employees work so long as the employee organization representatives do not interfere with the work performance of any employee. The representatives shall obtain permission from the manager/supervisor prior to gaining access to the work area and shall identify themselves. Managers and supervisors

Personnel - Employee Relations

4600 Effect of Collective Bargaining Agreement

shall not schedule work time for access to employees but shall make it possible for employee representatives to talk to employees during work breaks, meal breaks, or before and after work hours. In the case of faculty, when faculty members are available outside of their assigned duties, including classes, office hours and division meetings, representatives of employee organizations may approach faculty members so long as the faculty members agree to the contact.

- b. Employee organizations may use bulletin board space designated by the Chancellor for their use in appropriate places located in District campus and off-campus facilities. All items to be posted shall bear the date of posting and the name of the employee organization sponsoring the bulletin and shall be removed by the employee organization within a reasonable amount of time. It shall be the duty of the employee organization to maintain all assigned spaces in a neat and current fashion. The bulletin will also specify whether it is officially authorized by the organization. One copy will be filed with the Chancellor.
- c. Communications submitted to be placed in staff mailboxes shall bear the date of the communication and the name of the employee organization responsible for the writing and distribution of the communication. The communication shall also specify whether it is officially authorized by the organization. One copy of all such materials will be filed with the Chancellor.
- d. Employee organizations shall pay for their own supplies. District equipment shall not be used for producing materials.
- e. Employee organizations shall be permitted the use of conference rooms and similar facilities available to the public and are subject to the same regulations governing other users as specified in the District policy and regulations on use of facilities.
- f. Employee organizations shall be provided materials that are available to the public. When materials are requested that are not readily available in the form requested, the requesting organization shall pay for the staff time and supplies necessary to produce the materials providing such

Personnel - Employee Relations

4600 Effect of Collective Bargaining Agreement

materials can be produced subject to the time limitations of staff and work priorities.

- g. Employee organizations shall not be granted the use of the District postage machines.
- h. District telephones shall not be used for employee organization purposes except as provided in a collective bargaining agreement.
- i. Employees shall not be given time off from work for meetings of employee organizations except as provided in a collective bargaining agreement.

3. Released Time

Government Code Section 3543.1(c) states: "A reasonable number of representatives of an exclusive representative shall have the right to receive reasonable periods of released time without loss of compensation when meeting and negotiating and for the processing of grievances."

In order to implement this section, the Board adopts the following regulations:

- a. Meetings for the purpose of negotiating with academic staff shall be scheduled at times that do not conflict with classes being taught by the employee representatives. Non-instructional academic employees shall attempt to schedule their primary duties so that released time from primary duties will not be required. For example, a counselor shall not use counseling time for the purpose of meeting and negotiating but is to arrange counseling appointments through their manager so as to not conflict with meeting and negotiating.

Released time for academic employees shall be given from other than their primary duties. Academic representatives shall not be released from classes, division meetings, or office hours but may be released from such other duties as committee assignments, curriculum development, student advising, sponsorship of extra-

Personnel - Employee Relations

4600 Effect of Collective Bargaining Agreement

curricular activities, research, or student follow-up, except as provided by negotiated agreements.

- b. Meetings for the purpose of negotiating with classified staff shall be scheduled at times that are least disruptive of work schedules. Generally, the meetings could not be scheduled to start prior to 3:00 p.m. during work days. Employee representatives shall be given released time to participate in such scheduled meetings.

When meetings last beyond scheduled work times, employee representatives shall not be given compensatory time for the amount of time spent meeting and negotiating on their own time and shall not be paid overtime. The Board recognizes that released time cannot be open added; therefore, unit representatives and board representatives will negotiate reasonable amounts of released time for classified employees engaged in negotiating sessions.

4. **Public Notice**

The official bulletin board of the District is that located in the Chancellor's Office, 7011 Koll Center Parkway, Suite 200, Pleasanton, California. Notices required to be officially posted are also posted on the bulletin board of the administration buildings at both colleges.

5. **Other**

- a. For the purpose of meeting and negotiating with employee organizations, the Board will designate its representatives from time to time.
- b. The Board authorizes the employment of legal counsel and negotiation consultants as required in the course of meeting and negotiating and such other times as needed.
- c. Any proposals for altering these policies should be directed to the Board through the Chancellor.