

**Human Resources**

**BP 7140 COLLECTIVE BARGAINING**

**References:**

Government Code Sections 3540 et seq.

If eligible employees of the District select an employee organization as their exclusive representative, and if after recognition by the District or after a properly conducted election, an exclusive representative is certified as the representative of an appropriate unit of employees under the provisions of the Educational Employment Relations Act, Government Code Sections 3540 et seq., the District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.

Each provision of this policy shall be applicable to bargaining unit members if it does 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.

#### 1. 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 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 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.
2. Reassigned 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 reassigned 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 reassigned 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.

Reassigned 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 extracurricular 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 reassigned 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 reassigned time cannot be open-ended; therefore, unit representatives and board representatives will negotiate reasonable amounts of reassigned time for classified employees engaged in negotiating sessions.

3. Public Notice

The official bulletin board of the District is that located at the District Office Headquarters.

Notices required to be officially posted are also posted on the bulletin board of the administration buildings at both colleges.

4. 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.

#### Work Stoppage

The Board of Trustees seeks at all times to maintain constructive and productive relationships with the employees of the District in the interest of providing educational opportunities of excellence to students. To this end, the Board seeks to take reasonable actions and to maintain open communications with respect to its employees. The following provisions of this policy shall be operative in the event that any of the employees, classified or certificated, of the District take action producing a work stoppage of any kind such as, but not limited to, a strike, walk out, "sick-in", or partial withholding of services.

1. The college(s) will remain open if at all possible for those students and employees who wish to learn and work. The Chancellor is authorized to take

such action as may be deemed appropriate, including the employment of substitute employees to achieve this goal.

2. A committee of the Board, consisting of the President of the Board and two other Board members appointed by the President of the Board, shall be created to work with the Chancellor during the work stoppage.
3. All public comments and communications shall be issued jointly by the President of the Board and the Chancellor.
4. The Chancellor is authorized to develop and execute procedures to carry out the intent of this policy, including but not limited to:
  - a. the assignment of duties and hours to all employees as may be required by any situation;
  - b. the employment of any and all personnel and services as may be required;
  - c. the making of whatever arrangements that are necessary and appropriate for the security of persons, property, and equipment, including the closing of any or all facilities if, in his/her judgment, the safety of persons or property is endangered.
5. During the course of any and all work stoppages, the following will be effective:
  - a. provisions for personal leave of absence for all employees will be suspended;
  - b. employees may not take vacation during a work stoppage without prior written approval of the Chancellor;
  - c. for payroll purposes, employees other than those designated as management may be required to sign in and out on a daily basis in a manner prescribed by the Chancellor;
  - d. all employees claiming absence due to illness or personal necessity will be required to submit satisfactory evidence in writing that the employees were disabled from performing their duties;
  - e. any other absence shall be unauthorized unless approved by the Chancellor or verified as not related to the work stoppage by a suitable document;

- f. an employee absent without approved leave shall not receive compensation for such period of absence and the District's contributions to fringe benefits shall be pro-rated for such absence.
6. Employees engaged in a work stoppage shall be denied access to all facilities of the District.
7. Dues deductions for employees engaged in a work stoppage will be discontinued immediately and will be reinstated only upon individual application.
8. In the event of a threatened or actual work stoppage, the Chancellor shall direct a letter to employees advising them that the work stoppage is illegal and may constitute grounds for dismissal or other disciplinary action for anyone engaging in such conduct. Employees shall also be advised of the provisions of paragraph 5f of this policy.
9. The Board of Trustees reserves the right to suspend all normal and regular procedures for the adoption of policies, including but not limited to, revisions, deletions, and additions to this policy.

Also see BP/AP 2610 titled Presentation of Initial Collective Bargaining Proposals.

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**Date Adopted:** August 18, 2015

*(This new policy replaces CLPCCD Policies 4000, 4600, and 4610.)*