

**USE OF INTERNAL MEANS OF COMMUNICATION AND ACCESS TO
DISTRICT PROPERTY BY EMPLOYEE ORGANIZATIONS AND THEIR
REPRESENTATIVES**

6318.31

Statement of Purpose

The purpose of this policy is to establish reasonable regulations pursuant to Government Code Section 3543.1 (b) on the right of access by employee organizations to areas in which employees work and on this right to use institutional bulletin boards, mailboxes, and other means of communication, as well as to establish guidelines relating to solicitation and distribution on behalf of employee organizations and for visitation and contact rights by employee organization representatives.

This policy grants employee organizations the right to contact employees, to use school bulletin boards and mailboxes, to distribute materials, and to use school facilities for the purpose of holding meetings. Such rights are regulated herein only to the extent that (1) the uninterrupted accomplishment of the educational missions of the school district is ensured; (2) there is no interference with official use of school district facilities for school-related communications; (3) there is no undue interference with individual employees who are performing their regularly assigned duties; and (4) it may be ascertained whether employee organization use of communications facilities has contravened public policy.

Solicitation

The Board of Trustees of the district subscribes to the principle that the following employee organizations solicitation activities not be engaged in during work time:

- (1) activity which advocates a strike or advocates employee participation in any form of slowdown or activity which constitutes the concerted withholding of services
- (2) solicitation of memberships
- (3) collection of employee organization dues or other assessments or contributions
- (4) circulation of authorization cards or petitions on behalf of employee organizations
- (5) campaigning for employee organization office

Any solicitation activity which materially and substantially interferes with the performance by employees of their regularly assigned duties, or materially and substantially disrupts the orderly and efficient operations of the district is prohibited.

Wherever used in this policy, "work time" shall be defined for certificated employees as time where employees are assigned to specific duties involving the instruction,

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supervision, counseling, advising of pupils, or extra-duty assignments, or specific collateral duties relating thereto.

Whenever used in this policy, "work time" shall be defined for classified employees as time in which employees are assigned to perform regular work duties as prescribed by the Board of Trustees.

Internal Transportation and Delivery System

District mail transportation and other internal delivery facilities may be used by employee organizations so far as such use complies with the law. Employee organizations will be charged \$1.00 for each district-wide mail-out, up to a maximum of \$25.00 per year, in order to assist in defraying the cost of such deliveries.

Telephone and Fax Equipment

District telephones and fax machines are provided at public expense and are intended for use in the conduct of district business. Except in emergencies, any personal use of telephones or fax machines, whether related to employee organization business or otherwise, shall be confined to non-work time. It is the responsibility of employees to reimburse the district for the actual cost of all personal use.

Mailboxes and Bulletin Boards

Employee organizations shall have reasonable access to mailboxes and bulletin board located within the district, including at each school location.

A copy of each written notice, bulletin, or other form of literature deposited in mailboxes or posted on bulletin boards by an employee organization or its representatives shall be supplied to the Assistant Superintendent, Administration of the district or his/her designee in advance, if possible, but in no event later than simultaneously with its distribution. The purpose of such submittal is solely in order that the district may ascertain whether the prohibition contained later in this policy against the advocacy of illegal activity may have been contravened.

The district will not restrain or prevent the distribution of any employee organization material based on its content.

Literature which is intended for distribution on one campus or less or which is sealed and addressed to an individual employee shall be excluded from the submittal requirement.

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Actual deposit of literature by the employee organization in school mailboxes or its posting on bulletin boards shall be on non-work time and the employee organization shall be solely responsible for the distribution of its own material.

No literature which advocates the participation by district employees in any illegal activity, including participation in a strike, slowdown, or other concerted withholding of services, should be distributed. If material distributed pursuant to this policy violates this prohibition, the district will take all appropriate action to remedy such violation, which may include, without limitation, application to a court of competent jurisdiction for an injunction and damages, discipline up to and including discharge to the extent provided by law, or application to the PERB or other appropriate agencies seeking the withholding of the distribution privilege.

Use of District Facilities for Meetings

Meetings of employee organizations may be held during non-work time.

Employee organizations shall make arrangements for use of buildings, auditoriums, and meeting rooms in accordance with applicable district administrative regulations.

Advance request for use of district facilities must be made in accordance with established district procedure whenever an employee organization wishes to schedule a district facility to conduct organization meetings and related activities.

Distribution of Non-Posted Materials

Employee organizations may distribute, or leave for pick up, organization literature at school locations provided they do not interfere with district business and the literature is not distributed on work time or in work areas. No one shall be allowed to distribute handouts in a manner which materially and substantially interferes with the performance by employees of their regularly assigned duties or materially and substantially disrupts the orderly and efficient operations of the district. Distribution of literature will be made during the non-work time of any district employee making the distribution and any district employees receiving the literature. For purposes this paragraph, "work areas" shall be defined as any school district location where employees regularly perform their assigned duties. This definition does not include coffee rooms, faculty rooms, or other site locations designated by chief site administrators for the distribution of literature.

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Employee Organization Visitation and Contact Procedures

Employee organizations shall be permitted reasonable access to employees for the purpose of exercising the rights guaranteed by Chapter 10.7 of the Government Code. Such access shall not interfere with the educational mission of the school district operations and shall be subject to the following rules:

Employee organizations shall provide the district with the names of their staff employees who are authorized to discuss organizational matters with district employees. Employee organizations shall submit a statement that all authorized employee representatives are aware of and agree to comply with this policy.

Authorized representatives of employee organizations shall notify the office of the chief site administrator in advance of every visit whenever practicable to do so, shall notify the office of the chief site administrator of their arrival at the site. In addition, the organization official must provide, upon request, evidence that s/he is a duly accredited representative of the employee organization.

Request for District Information

All requests for district information or documents necessary to the activities of employee organizations under these regulations will be directed to the superintendent or his/her designated representatives. Only requests from organizations which are composed of employees of the school district shall be honored, unless authority for dissemination to other organizations is granted by the district governing board.

Reproduction, research, or compilation of requested information shall not interfere with the normal work of the unit involved. Materials which require expenditure of time and/or effort of district personnel shall be subject to a fee equivalent to the actual labor and material cost of providing requested information and/or materials.

Legal Reference:

Government Code 3543.1 - Rights of Organization

Board of Trustees

January 31, 1980

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