

## **ARTICLE 2 – UNION REPRESENTATIVES**

### **2.1 Union Representatives**

- A. The State recognizes and agrees to deal with designated Union stewards, elected bargaining unit council representatives, and/or Union staff on the following:
  - 1. The enforcement of this Contract;
  - 2. Employee discipline cases, including investigatory interviews of an employee who is the subject of a non-criminal investigation;
  - 3. Informal settlement conferences or formal hearings conducted by the PERB;
  - 4. Matters scheduled for hearing by Victim Compensation and Government Claims Board;
  - 5. Matters pending before the State Personnel Board (SPB);
  - 6. AWOLs and appeals to set aside resignations;
  - 7. Discussions with management regarding reasonable accommodation;
  - 8. The CalHR statutory appeal hearings.
- B. A written list of Union stewards and elected bargaining unit council representatives broken down by department, unit, and designated area of representation, shall be furnished to each department and a copy sent to the State immediately after the steward's designation. The Union shall notify the State promptly of any changes of such stewards. Union stewards shall not be recognized by the State until such lists or changes thereto are received.
- C. A Union steward's "area of representation" is defined as an institution, office, or building. However, the parties recognize that it may be necessary for the Union to assign a steward an area of representation for several small offices, departments, or buildings within close proximity. Disputes regarding this paragraph may be appealed directly to the CalHR step of the grievance procedure.
- D. The area of responsibility of the District Labor Council (DLC) presidents and chief stewards shall be all worksites within the DLC. When the area of representation is within close proximity section C shall be observed, otherwise this leave will be union paid leave.

The Union representatives shall provide reasonable advance notice based on the circumstances requiring representation under 2.1(A).

### **2.2 Access**

- A. Union stewards, Union staff, and/or elected bargaining unit council representatives may have access to employees to represent the employees pursuant to section 2.1(A) above. Access shall not interfere with the work of the employees. Union stewards, Union staff, or elected bargaining unit council representatives seeking access to employees must notify the department head or designee in advance of the visit.
- B. Access to bargaining unit employees shall not be unreasonably withheld; however, it may be restricted for reasons of safety, security, or patient care including patient privacy. If access is restricted, other reasonable accommodations shall be made.

### **2.3 Use of State Equipment**

- A. Union stewards shall be permitted reasonable use of State phones and video phones (VP)/ telecommunication devices for the deaf (TDD) to make calls for Union representation purposes; provided, however, that such use of State phones shall not incur additional charges to the State or interfere with the operation of the State.
- B. Union stewards shall be permitted minimal and incidental use of State equipment for representational activities as defined in section 2.1, if said equipment is available and utilized as a normal part of the employee's duties. Such use of State equipment shall not result in additional costs to the State, nor shall it interfere with the conduct of State business.
- C. Union stewards shall be permitted reasonable and occasional use of fax machines, copiers, and multi-function devices for Union representation purposes provided that such use does not result in additional cost to the State, nor interfere with State operations.
- D. Use of State equipment or the time used for activities permitted in this section shall be subject to prior notification and approval by the employee's immediate supervisor.

### **2.4 Distribution of Union Information (Excludes Units 14 and 17)**

- A. The Union may use existing employee organization bulletin boards to post materials related to Union business. Upon mutual agreement between an authorized Union representative and the department, Union bulletin boards will be where they are accessible to employees. When required in advance, the Union shall reimburse the State for additional costs incurred. A copy of all materials posted must be distributed to the facility or office supervisor at the time of posting.
- B. The Union may, before or after work hours or during meal and rest periods, distribute Union literature. Distribution of Union information shall not be unreasonably denied or disrupt the work of others. However, if access for distribution of information is restricted for safety, security, or patient care including patient privacy, other reasonable accommodation will be made in accordance with department procedures.
- C. The Union may continue to use existing employee mailboxes and in-baskets for distribution of literature. Such information will be distributed to departmental employees based on the department's policies and procedures in distributing other non-business information.
- D. The Union agrees that any literature posted or distributed on-site will not be libelous, obscene, defamatory, or of a partisan political nature.
- E. The Union shall be permitted incidental and minimal use of State electronic communication systems for communication of Union activities as the departments permit for other non-business purposes.
- F. The use of electronic communication systems (devices) are not considered private or secure information and are subject to being monitored by the department.

#### **2.4.14 Distribution of Literature (Unit 14)**

- A. The Union may use existing employee organization bulletin boards to post materials related to Union business. Upon mutual agreement between an authorized Union representative and the department, Union bulletin boards will be installed at reasonable locations. When required in advance, the Union shall reimburse the State for additional costs incurred. A copy of all materials must be distributed to the facility or office supervisor at the time of posting.
- B. The Union may, before or after work hours or during meal periods, distribute Union literature in non-work areas.
- C. The Union may continue to use existing employee mailboxes for distribution of literature.
- D. The Union agrees that any literature posted or distributed on site will not be libelous, obscene, defamatory, or of a partisan political nature.
- E. The Union shall be permitted incidental and minimal use of the State electronic communication systems, when said equipment is available and utilized as a normal part of the employee's duties, for communication about employee organization activities as those departments permit for other non-business purposes. Use of the electronic communication systems will not interfere with the operations of the State nor involve mass distribution of information or materials.
- F. Such information will be distributed to departmental employees based on the department's policies and procedures in distributing other non-business information. If required by the department, such information will be provided to a departmental designee in a hard copy format.
- G. Employees may post a Union poster in the employees' work areas on a wall or partition provided that permanent damage is not done to such wall or partition. Said poster must be no larger than twelve (12) inches by eighteen (18) inches. Such posters must not interfere with work, may not be posted in public contact areas, nor may the posters be attached to State equipment. The parties recognize that some buildings are leased by the State and that such lessor policies may preclude any personal posting. Nothing in this agreement will be interpreted to contravene such prohibitions.

#### **2.4.17 Distribution of Union Information (Unit 17)**

- A. The Union may use existing employee organization bulletin boards to post materials related to Union business. Upon mutual agreement between an authorized Union representative and the department, Union bulletin boards shall be installed where the bulletin boards are accessible to employees. When required in advance, the Union shall reimburse the State for additional costs incurred. A copy of all materials posted must be distributed to the facility or office supervisor at the time of posting.

- B. The Union may, before or after work hours or during meal and rest periods, distribute Union literature. Distribution of Union information shall not be unreasonably denied or disrupt the work of others. However, if access for distribution of information is restricted for safety, security, or patient care including patient privacy, other reasonable accommodation will be made in accordance with departmental procedures.
- C. The Union may continue to use existing mailboxes and in-baskets for distribution of literature. Such information will be distributed to departmental employees based on the department's policies and procedures in distributing other non-business information.
- D. The Union agrees that any literature posted or distributed on-site will not be libelous, obscene, defamatory, or of a partisan political nature.
- E. The Union shall be permitted incidental and minimal use of State electronic communication systems for communication of Union activities as the departments permit for other non-business purposes.
- F. The use of electronic communication systems (devices) are not considered private or secure information and are subject to being monitored by the department.

## **2.5 Use of State Facilities**

The State will continue to permit use of certain facilities for Union meetings, subject to the operating needs of the State. Requests for use of such State facilities shall be made in advance to the appropriate State official. When required in advance, the Union shall reimburse the State for additional expenses, such as security, maintenance, and facility management costs or utilities, incurred as a result of the Union's use of such State facilities.

## **2.6 Steward Time Off**

Upon request of an aggrieved employee, a steward shall be allowed reasonable time off during working hours, without loss of compensation, for representational purposes in accordance with section 2.1(A) of this Contract, provided the employee represented is in the steward's designated area of representation. Release time for these purposes is subject to prior notification and approval by the steward's immediate supervisor. Upon mutual agreement of the parties, a reasonable number of additional stewards can also be granted reasonable time off under this section.

## **2.7 Employee Time Off**

Employees shall be entitled to reasonable time off without loss of compensation to confer with a Union representative on representational matters at the work site in accordance with section 2.2 above during work hours, subject to approval of the employee's supervisor.

## **2.8 Union Steward Protection**

The State shall be prohibited from imposing or threatening to impose reprisals, from discriminating or threatening to discriminate against Union stewards, or otherwise interfering with, restraining, or coercing Union stewards because of the exercise of any rights given by this Contract.

Grievances under this section shall be filed at the first formal level of the grievance process. If the allegations are against the employee's immediate supervisor and the immediate supervisor is the first formal level, then the grievance may be filed at the next level of supervision.

## **2.9 Union Information Packets**

Upon initial appointment to any position as a probationary or permanent employee, the employee shall be informed by the employer that the Union is the recognized employee organization for the employee in said classification. The State shall present the employee with a packet of Union information which has been supplied by the Union.

The parties agree that the hold harmless and indemnification provisions in section 3.2 (H) and (I) apply to this section.

### **2.10 Orientation**

- A. During any regularly scheduled orientation session for new employees, a Union representative shall be given the opportunity to meet with bargaining unit employees for twenty (20) minutes for orientation of the employees to the Contract and the Union.
- B. In work locations not accessible to regularly scheduled departmental orientation, each new bargaining unit employee shall be given the opportunity to meet with a Union representative for twenty (20) minutes during normal working hours for orientation to the Contract and the Union.
- C. It is understood that the twenty (20) minutes is for the presentation and shall not be counted against reasonable state travel time to and from the presentation.

### **2.11 Bargaining Unit Negotiating Committee Member Time Off**

The appropriate bargaining unit chair, vice chair, or a designated negotiating committee member, not all, shall suffer no loss in the employee's regular compensation for attendance at scheduled bargaining unit negotiations with management during the term of this Contract.

### **2.12 Electronic Device Access (Cellular Device) – Department of Corrections (CDCR) and California Correctional Health Care Services (CCHCS)**

SEIU Local 1000 District Labor Council (DLC) executive board members and one steward, per watch, per worksite, institution or facility will be allowed to bring an authorized cellular device within the security areas of worksites, institutions or facilities for the purposes of SEIU representation upon written notification and approval of the Appointing Authority. Required information regarding the authorized device will be provided to the local Labor Relations Analyst (LRA) or Labor Relations Officer (LRO). The list will include the device owner's name, the type of the device (make, model and serial number, IMEI/EUIMID/MEI/ESN/ICCID number), cellular provider, cellular number, and any device identifier needed to ensure the device is operational in the worksites, institutions and/or facilities or required by departmental policies or regulations.

The employee shall be responsible to immediately provide the local LRA or LRO with updated information when an approved device is removed or replaced. The use of the authorized cellular device shall be in line with department policies and regulations and shall not interfere with the conduct of State business. Photographs, videos or recordings are prohibited.

Violations of departmental policies and regulations could result in the authorized cellular device being seized, retained and subject to search.

This section is grievable to the department level.