

**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE**

Originator: Assoc. Superintendent, PSS

Issue No: 2

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Reference: GC Article 4-3542

ARTICLE: 4.0 PERSONNEL SUPPORT SERVICES

4.1 GENERAL PERSONNEL PRACTICES

4.109 EMPLOYEE ORGANIZATIONS

SECTION 4.109.1 Rules and Regulations

The following procedures shall serve as a guide to employer-employee relations.

Except as otherwise provided by law, School District employees have the right to form, join, and participate in the activities of employee organizations of their own choosing. School District employees shall also have the right to refuse to join or participate in the activities of employee organizations.

The above right is subject to the principle of exclusive representation in the case of those employee organizations representing non-management or non-confidential employees. In the case of an employee organization representing management or confidential employees, such an organization will not be permitted to "meet and negotiate" for such employees.

Employees designated as "supervisory", while permitted to collectively bargain, cannot be in a unit with those employees whom they supervise, nor can an employee organization represent a supervisor and the employee whom a supervisor supervises.

1. **Management:** The employee must have responsibility for, must be answerable for, and accountable for either formulation of District policies or administering of District programs, and the degree of responsibility, answerability, and accountability cannot be too remote... it must be of a significant, consequential, and weighty degree.
2. **Confidential:** The employee must either have access to or possess information relating to the employer's employer-employee relations and the access or possession of such information must be in the regular course of the employee's duties.
3. **Supervisor:** The employee, regardless of job description, must have authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust grievances or effectively recommend such action, if in connection with the foregoing functions, and exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

The scope of representation by the exclusive representative will be limited to:

1. Wages
2. Hours of employment
3. Health and welfare benefits
4. Leave policies
5. Transfer policies
6. Safety conditions of employment
7. Class size
8. Procedures to be used for evaluation of employees
9. Organizational security
10. Procedures for processing grievances

SECTION 4.109.1 Rules and Regulations

An employee organization, whether or not it is the exclusive representative, shall have the following rights:

1. **Access at reasonable times to areas in which employees work.** School facilities may be used for meetings of employee groups in accordance with District policy on use of facilities. All employee groups will be required to fill in the Use of Facilities form completely and conform to guidelines established. (District Form MO-28)

Representatives of organizations will not contact employees during the normal workday in which they are performing their duties in the operation of the School District for the specific purpose of conducting organization business. This means that employees may be contacted only before working hours, during the lunch period, or after working hours. All representatives, whether or not an employee of the School District, will clear their identification for attendance with the principal or supervisor of the facility so as to not be in violation of other Board Policies or laws under Government or Education Codes; i.e., Penal Code 626.8, Loitering.

2. **Use of District and employee bulletin boards.** Designated District bulletin boards within the schools or other School District facilities may be used for posting communications. Prior to posting, a copy of the communication shall be furnished to the principal or other designated supervisor. These materials will be clearly identified as to which organization or individual is posting, the date of the article, the date of distribution, with the signature of the officer of the organization or designated individual.

It shall be part of the authority and responsibility of each school principal or supervisor to examine such material as to criteria stated above prior to permitting such material to be posted. In addition, no political advertisements, bulletins, flyers, or any other material which can be construed as political in nature will be posted.

3. **Use of District and employee mailboxes.** School mailboxes may be used for communications of official employee organizations. A copy of each communication shall be provided for the principal of the school prior to its placement in the school mailboxes. Each school or appropriate work area shall designate a location for these mailboxes. It is the responsibility of each organization, subsequent to approval by the principal or supervisor, to distribute its own material.

Materials to be distributed will be clearly identified as to which organization or individual is distributing, the date of the article, the date of distribution, with the signature of the officer of the organization or designated individual.

It shall be part of the authority and responsibility of each school principal or supervisor to examine such material as to criteria stated above prior to permitting such material to be placed in the District mailboxes. In addition, no political advertisements, bulletins, flyers, or any other material which can be construed as political in nature will be placed in District and employee mailboxes.

4. **Use of District facilities at reasonable times for the purpose of meeting.** The use of any school facilities shall comply with Governing Board policy and guidelines for the issuing of a facilities use permit. This is covered under the Civic Center Act (EC 40040) and is subject to the requirement that such meetings be open to the public who may attend and observe. (52 Cps CA Atty Gen 220 1969)
5. **Release time for exclusive representative(s).** The exclusive representative(s) may be granted a maximum of four days release time per school year. The organization will designate the representative by application to the Superintendent for release time.