

# **Liberty Union High School District**

## **Board Policy**

Classification: Personnel  
Subject: Bargaining Units

Policy No. BP 4140  
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Effective 12/10/93  
Revised 06/12/2024

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The Governing Board recognizes the right of district employees to form a bargaining unit, select an employee organization as their exclusive representative, and be represented by that organization in their employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

(cf. 4141/4241 - Collective Bargaining Agreement)  
(cf. 4143/4243 - Negotiations/Consultation)  
(cf. 9000 - Role of the Board)

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

### Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

The district may recognize a bargaining unit of supervisory employees if: (Government Code 3545)

1. The bargaining unit includes all supervisory employees.
2. The supervisors are not represented by the same organization that represents employees whom the supervisory employees supervise.

(cf. 4300 - Administrative and Supervisory Personnel)  
(cf. 4301 - Administrative Staff Organization)  
(cf. 4312.1 - Contracts)

For this purpose, supervisory employee means any employee, regardless of job description, having the authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline, assign work, direct, adjust grievance of other employees, or effectively recommend that action. The exercise of this authority shall not be merely routine or clerical in nature, but shall require the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. Such employees may represent themselves individually or may be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. For this purpose: (Government Code 3540.1, 3543.4)

1. Management employee means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board.
2. Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

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### Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

### Access to Employee Orientations and Contact Information

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

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The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

### **Access to Employee Contact Information**

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of

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employees to the exclusive representative. (Government Code 3558)

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### **Communications with Employees by Employee Organizations**

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

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### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

| State                  | Description                                                                                                                        |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 8 CCR 33015-33490      | <a href="#"><u>Recognition of exclusive representative proceedings</u></a>                                                         |
| 8 CCR 33700-33710      | <a href="#"><u>Severance of established unit</u></a>                                                                               |
| Ed. Code 45060-45061.5 | <a href="#"><u>Deduction of fees from salary or wage payment; certificated employees</u></a>                                       |
| Ed. Code 45100.5       | <a href="#"><u>Senior classified management positions</u></a>                                                                      |
| Ed. Code 45104.5       | <a href="#"><u>Abolishment of senior classified management positions</u></a>                                                       |
| Ed. Code 45108.5       | <a href="#"><u>Definition of senior classified management employees</u></a>                                                        |
| Ed. Code 45108.7       | <a href="#"><u>Waiver of provisions of Education Code 45108.5</u></a>                                                              |
| Ed. Code 45168         | <a href="#"><u>Deduction of fees from salary or wage payment; classified employees</u></a>                                         |
| Ed. Code 45220-45320   | <a href="#"><u>Merit system; classified employees</u></a>                                                                          |
| Gov. Code 3500-3511    | <a href="#"><u>Local public employee organizations</u></a>                                                                         |
| Gov. Code 3507.7       | <a href="#"><u>Representation of temporary employees</u></a>                                                                       |
| Gov. Code 3540-3549.3  | <a href="#"><u>Educational Employment Relations Act</u></a>                                                                        |
| Gov. Code 3540.1       | <a href="#"><u>Public employment; definitions</u></a>                                                                              |
| Gov. Code 3543.4       | <a href="#"><u>Management and confidential positions; representation</u></a>                                                       |
| Gov. Code 3545         | <a href="#"><u>Appropriateness of unit; basis</u></a>                                                                              |
| Gov. Code 3550-3552    | <a href="#"><u>Prohibition on public employers deterring or discouraging union membership</u></a>                                  |
| Gov. Code 3555-3559    | <a href="#"><u>Public employee communication, information and orientation</u></a>                                                  |
| Gov. Code 53260-53264  | <a href="#"><u>Employment contracts</u></a>                                                                                        |
| Gov. Code 6205-6210    | <a href="#"><u>Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</u></a> |
| Gov. Code 6215-6216    | <a href="#"><u>Address confidentiality for individuals who face threats or violence because of work for a public entity</u></a>    |
| Gov. Code 6503.5       | <a href="#"><u>Joint powers agencies; agreement</u></a>                                                                            |
| Gov. Code 7928.300     | <a href="#"><u>Disclosure of employee contact information to employee organization</u></a>                                         |
| Management Resources   | Description                                                                                                                        |

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|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Court Decision                           | <a href="#"><u>County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905</u></a>        |
| Court Decision                           | <a href="#"><u>Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083</u></a>                             |
| Court Decision                           | <a href="#"><u>Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448</u></a> |
| Public Employment Relations Board Ruling | <a href="#"><u>Regents of the University of California (2004) PERB Dec. No. 1700-H.</u></a>                                    |
| Public Employment Relations Board Ruling | <a href="#"><u>Desert Community College District (2007) PERB Dec. No. 1921</u></a>                                             |
| Public Employment Relations Board Ruling | <a href="#"><u>East Whittier School District (2004) PERB Dec. No. 1727</u></a>                                                 |
| Public Employment Relations Board Ruling | <a href="#"><u>City of Sacramento (2019) PERB Dec. No. 2702</u></a>                                                            |
| Website                                  | <a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>                                             |
| Website                                  | <a href="#"><u>California Federation of Teachers</u></a>                                                                       |
| Website                                  | <a href="#"><u>California Public Employment Relations Board</u></a>                                                            |
| Website                                  | <a href="#"><u>California School Employees Association</u></a>                                                                 |
| Website                                  | <a href="#"><u>California Teachers Association</u></a>                                                                         |
| Website                                  | <a href="#"><u>Association of California School Administrators</u></a>                                                         |
| Website                                  | <a href="#"><u>CSBA</u></a>                                                                                                    |

### **Cross References**

| Code    | Description                                                  |
|---------|--------------------------------------------------------------|
| 0450    | <a href="#"><u>Comprehensive Safety Plan</u></a>             |
| 0450    | <a href="#"><u>Comprehensive Safety Plan</u></a>             |
| 0460    | <a href="#"><u>Local Control And Accountability Plan</u></a> |
| 0460    | <a href="#"><u>Local Control And Accountability Plan</u></a> |
| 1340    | <a href="#"><u>Access To District Records</u></a>            |
| 1340    | <a href="#"><u>Access To District Records</u></a>            |
| 1431    | <a href="#"><u>Waivers</u></a>                               |
| 4113    | <a href="#"><u>Assignment</u></a>                            |
| 4113    | <a href="#"><u>Assignment</u></a>                            |
| 4115    | <a href="#"><u>Evaluation/Supervision</u></a>                |
| 4115    | <a href="#"><u>Evaluation/Supervision</u></a>                |
| 4119.1  | <a href="#"><u>Civil And Legal Rights</u></a>                |
| 4119.25 | <a href="#"><u>Political Activities Of Employees</u></a>     |

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| Code    | Description                                     |
|---------|-------------------------------------------------|
| 4119.25 | <u>Political Activities Of Employees</u>        |
| 4121    | <u>Temporary/Substitute Personnel</u>           |
| 4121    | <u>Temporary/Substitute Personnel</u>           |
| 4141    | <u>Collective Bargaining Agreement</u>          |
| 4143    | <u>Negotiations/Consultation</u>                |
| 4151    | <u>Employee Compensation</u>                    |
| 4154    | <u>Health And Welfare Benefits</u>              |
| 4154    | <u>Health And Welfare Benefits</u>              |
| 4158    | <u>Employee Security</u>                        |
| 4158    | <u>Employee Security</u>                        |
| 4161.2  | <u>Personal Leaves</u>                          |
| 4219.1  | <u>Civil And Legal Rights</u>                   |
| 4219.25 | <u>Political Activities Of Employees</u>        |
| 4219.25 | <u>Political Activities Of Employees</u>        |
| 4241    | <u>Collective Bargaining Agreement</u>          |
| 4243    | <u>Negotiations/Consultation</u>                |
| 4251    | <u>Employee Compensation</u>                    |
| 4254    | <u>Health And Welfare Benefits</u>              |
| 4254    | <u>Health And Welfare Benefits</u>              |
| 4261.2  | <u>Personal Leaves</u>                          |
| 4300    | <u>Administrative And Supervisory Personnel</u> |
| 4300    | <u>Administrative And Supervisory Personnel</u> |
| 4301    | <u>Administrative Staff Organization</u>        |
| 4312.1  | <u>Contracts</u>                                |
| 4315    | <u>Evaluation/Supervision</u>                   |
| 4319.1  | <u>Civil And Legal Rights</u>                   |
| 4319.25 | <u>Political Activities Of Employees</u>        |
| 4319.25 | <u>Political Activities Of Employees</u>        |
| 4351    | <u>Employee Compensation</u>                    |
| 4354    | <u>Health And Welfare Benefits</u>              |
| 4354    | <u>Health And Welfare Benefits</u>              |
| 4361.2  | <u>Personal Leaves</u>                          |
| 9000    | <u>Role Of The Board</u>                        |

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Code

Description

9321

Closed Session

9321-E(1)

Closed Session

9321-E(2)

Closed Session

(10/17 7/18 12/20) 5/24