Board Policy 5296: Limits on Local Education Association Activities

Status: ADOPTED

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Prohibited Activities

Idaho Code prohibits the District from doing any of the following:

1. Deducting dues, fees, assessments, fines, or contributions from the pay of a certified employee on behalf of a local education association (LEA). For the purposes of this policy, a LEA means a teachers union or its affiliate as defined in IC 33-1272, and it may include, but is not limited to, the Idaho Education Association the Northwest Professional Education Association, the American Federation of Teachers, and their local affiliates;

2. Increasing a certified employee's compensation for the purpose of paying LEA dues, fees, assessments, fines, or contributions;

3. Providing certificated employees' personal or contact information to a LEA except for:

    A. Information whose disclosure is required upon a public records request; and
    B. Information whose release has been authorized by the employee.

4. Requiring any certified employee to meet, communicate with, listen to, or otherwise interact with a LEA. This shall include:

    A. Allowing anyone to speak at a staff meeting or other work activity in their capacity as a representative of the LEA or to promote membership in the LEA;
    B. Seeking signatures for membership cards during work hours;

5. This shall not include such activities outside of work hours at events held on District property when used by the LEA as described in Policy 4210 Community Use of Facilities. Any use of a school facility by a LEA or for a LEA activity must be done through this process for community use of facilities, and the LEA shall be treated in the same way as other community groups seeking to use District facilities. Such activities may only take place outside of work hours.
6. Distributing communications or membership solicitations on behalf of a LEA. This shall include providing such materials in the following ways:

7. Via District email or devices;

8. Using staff mailboxes unless such mailboxes are made available to distribute communications by other community groups; and
9. Using any District bulletin boards unless such boards are made available to publicize communications by other community groups.
    a. LEA activities shall not be conducted by the District, employees, or representatives of the LEA using District email.
10. Contributing funds to, or expending funds on behalf of a LEA.

11. Providing any compensation or paid leave to a certified employee, directly or indirectly, for the purpose of engaging in LEA activities, except the following:

A. A leave of absence which the Board may grant a certified employee for up to one year of service to a LEA of which they are a member and have been elected president as described in IC 33-1216.
B. Released time for a certified employee to serve on a committee or commission established by the State of Idaho, the State Legislature, or by a department or agency of the State of Idaho as described in IC 33-1279. Such leave shall be provided for up to five days, and more time may be provided at the Board's discretion.

<u>Local Education Association Activities</u>

For the purposes of this policy, LEA activities include any of the following if done at the direction of, on behalf of, or to advance the purposes of a LEA:

1. Supporting or opposing any candidate for federal, state, or local public office;
2. Influencing the passage or defeat of any federal or state legislation or regulation or any local ordinance or ballot measure;
3. Promoting or soliciting membership or participation in, or financial support of a LEA;
4. Seeking to become the exclusive representative of all professional employees in a district;
5. Participating in the administration, business, or internal governance of a LEA;
6. Preparing, conducting, or attending LEA events, conferences, conventions, meetings, or trainings, unless the training is directly related to their performance of their job duties;
7. Distributing LEA communications;
8. Representing or speaking on behalf of a LEA in any setting, venue, or procedure in which the District is not a participant;
9. Representational activities, which shall mean:

A. Preparing, filing, or pursuing grievances;
B. Representing professional employees in investigatory interviews, disciplinary proceedings, appeals, or other administrative or legal proceedings;
C. Engaging in negotiations and any related mediation;
D. Administering a negotiation agreement; or
E. Participating in labor-management committees.

Permissible Practices

Employees may only engage in LEA activities outside of work hours as described in Policy 5210 or under one of the following circumstances, provided the current negotiated agreement provides for the following.

1. The District may grant a certified employee time off without pay or benefits to engage in LEA activities. The LEA may compensate the employee for these activities.

2. The District may allow a certified employee to use their own compensated personal leave to engage in LEA activities. This leave can only be used if the employee can freely choose how to use the leave and if the leave used is accrued at the same rate by similarly situated certified employees regardless of LEA membership or participation.

3. In the case of representational activities as described above, a certified employee may engage in the activity while on duty without loss of pay or benefits if:

    A. The LEA reports to the District the amount of time the employee spent on representational activities. The report must be provided at least twice per year and indicate how much time each employee spent on these activities and on which days. The amount of time must be reported to the nearest quarter hour.
    B. The District calculates the pro rata value of compensation, including wages and benefits, paid or accruing to a professional employee for time spent engaged in representational activities and provides an invoice for this amount to the LEA at least twice per year; and
    C. Upon receipt of the invoice from the District, the LEA provides full payment to the District within 30 days.

If the District has a negotiated agreement with an LEA, the agreement shall state whether representational activities may take place during work hours through one of the processes listed above permitting such activities. Whenever feasible, representational activities shall be conducted outside of work hours. When an allowable method of conducting such activities during work hours is used, the District shall maintain records to document that the appropriate process has been followed.

Other LEA Restrictions

The District and its employees shall comply with the requirements of the Code of Ethics for Idaho Professional Educators and the Idaho Right to Work Laws. These include, but are not limited to, the following requirements:

1. They shall refrain from unethical conduct, which includes willfully interfering with the free participation of colleagues in education associations.

2. No person shall be required, as a condition of employment or continuation of employment, to:

    A. Resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization, including an LEA; or
    B. Become or remain a member of a labor organization, including an LEA; or
    C. Pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization, including an LEA; or
    D. To pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization, including an LEA; or
    E. To be recommended, approved, referred, or cleared by or through a labor organization, including the LEA.

3. It is unlawful for any person, by any threatened or actual intimidation or by any damage or threatened damage to the property of an employee or prospective employee or the family of an employee or prospective employee, to compel or attempt to compel an employee to join, affiliate, or financially support a labor organization, including the LEA, or to refrain from doing so.

4. It is unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization, including the LEA, by inducing or attempting to induce any other person to refuse to work with an employee.

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Legal References	Description
33-1275	**Terms of Agreements**
33-1279	**Released Time for Service on State Committees And Commission**
IC § 33-1216, et seq.	**Teachers - Sick and Other Leave**
IC § 33-513	**Professional Personnel**
IC § 74-101, et seq.	**Idaho Public Records Act**

IC 33-1277 **Taxpayer Funding of Teachers Unions Prohibited**

Cross References

Code	Description
5210	Workday
5295	Professional Employee Representation for Purposes of Negotiations
7600	Declaration of Financial Emergency
7600	Declaration of Financial Emergency
7600	Declaration of Financial Emergency
7600	Declaration of Financial Emergency