



## CITY OF VISALIA POLICIES AND PROCEDURES

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POLICY: Employee Organization Access

POLICY NUMBER: 422

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REVISION(S):

DATE ADOPTED: December 1, 2012

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### **I. PURPOSE**

The Meyers-Milias-Brown Act (MMBA) permits the City to make reasonable regulations on access to employees. This policy contains the City's regulations on such access. MMBA rights may be exercised within the limits of these regulations.

### **II. POLICY**

- A. It is the intent of the City to give employee organizations a reasonable opportunity to contact employees. Employee organizations have the right of access at reasonable times to areas in which employees work for the purpose of processing grievances, participating in discipline meetings, or conducting other business within the scope of bargaining.
- B. Employee organization representatives are permitted in non-work areas such as designated break rooms, parking areas, or other areas where employees congregate and do not perform work. Employee organization representatives shall identify themselves to the appropriate supervisor/manager prior to entering non-work areas.
- C. Employee organizations have the right to use available and designated bulletin board and intranet space for communications having to do with official organization business, such as times and places of meetings, provided such use does not interfere with the needs of the respective department. All materials must receive the approval of the Human Resources Manager. All materials must be dated and must identify the organization that published them. The actual posting of material will be done by the City as soon as possible after the materials have been approved, unless special arrangements are made. Materials posted will be removed after thirty-one days, unless otherwise agreed upon.
- D. Solicitation of membership and activities concerned with the internal management of the organization such as collecting dues, holding membership meetings, campaigning for office, conducting elections and distributing literature shall not be conducted during work time except with the express permission of the City.
- E. Employee organizations shall not send materials through the City interoffice mail service.
- F. Although these regulations apply to all employee organizations, collective bargaining agreements and/or Police Officer Procedural Bill of Rights/Firefighters Procedural Bill of Rights (PBOR/FBOR) may contain provisions that modify or supersede parts of these regulations. When the collective bargaining agreement and/or PBOR/FBOR are silent, these regulations apply. When there is a conflict, the language of the collective bargaining agreement and/or PBOR/FBOR shall control.

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### **III. AUTHORIZED EMPLOYEE ORGANIZATION BARGAINING GROUP AGENTS**

- A. The recognized employee organizations' bargaining groups are responsible for keeping current the name, address and telephone number of their designated representative(s) and a list of persons authorized to act on its behalf and/or receive service in its name.
- B. Only those persons designated by the employee organization may request materials be posted on bulletin boards or the intranet, and/or reserve meeting rooms on behalf of the employee organization.
- C. Only those designated persons who are also City employees are eligible for release time as may be described in the employees' respective collective bargaining agreement.

### **IV. EMPLOYEE ORGANIZATION ACCESS TO EMPLOYEE WORK AREAS**

- A. Employee organization representatives conducting business within the scope of bargaining shall be allowed reasonable access to employees' work locations. Access is reasonable if it does not interfere with or interrupt normal City operations or disrupt employees who are on work time.
- B. An employee shall not participate in activities relating to employee organizations during work time except:
  - 1. When permitted by City policy, collective bargaining agreement and/or the PBOR/FBOR; or
  - 2. When approved by the Human Resources Manager; or
  - 3. When approved by his/her Department Head.
- C. Employee organization representatives shall have access to work areas in which employees work and during work hours for the purpose of conducting employee organization business only as follows:
  - 1. Advance notice has been provided. The employee organization representative(s) have confirmed with the Department Head or Human Resources Division of the intent to visit a City worksite at least 1 day prior to the visit, except in the case of emergency.
  - 2. The employee organization representative contacts the Department Head or designee to confirm that the targeted employee(s) are not on work time, and that the work area is appropriate for conducting employee organization business.
  - 3. The employee is contacted during non-work time.
  - 4. The contact shall not interfere with or interrupt normal City operations, or disrupt employees who are on work time.

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- D. For the purposes of access and participation in employee organization business, “non-work time” is defined as time outside working time, whether before or after work, or during meal or rest periods, when the employee is free from work obligations to use the time as he or she wishes.
- E. For the purposes of access and participation in employee organization business, “work hours” means periods from the beginning to the end of work shifts.
- F. For the purposes of access and participation in employee organization business, “work time” means periods when employees are performing actual job duties.
- G. An employee organization representative may be excluded from a work area if the City makes another nearby area available for the conduct of employee organization business. The employee organization representative may request access to a work area when the location is relevant to the representational duties. Access must be requested from the Human Resources Manager or the Department Head.
- H. For the security of the City and welfare of visitors, departments may designate areas that are not open to the public or unauthorized employees.
  - 1. Examples of these secured areas include but are not limited to records areas, areas in which financial transactions ordinarily take place, private offices, computer areas, shops, warehouses, and storage rooms and/or facilities.
  - 2. An employee organization representative must comply with the department visitor policy or procedure, or obtain permission to enter from the Human Resources Manager.

#### **IV. EMPLOYEE ORIENTATION**

- A. Employee organizations will be provided the opportunity to meet with and furnish information to newly hired organization-eligible employees during the new employee orientation process. Employee organizations will be provided up to 15 minutes for such presentation as part of the overall orientation process. Employee participation is voluntary.
- B. The Human Resources Division will provide forty-eight (48) hours advance notice to the organization of the date, time and place of the orientation and the number of eligible new employees scheduled.

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*Applicable Laws: Meyers-Milias-Brown Act;  
Police Officers Procedural Bill of Rights;  
Firefighters Procedural Bill of Rights  
Visalia Municipal Code, Section 2.40.050*