

Certificated/Classified Personnel

Employee/Board Relationships

The Board of Education recognizes the right of District employees to join organizations of their own choice, to be represented by such organizations in their professional and employment relationships with the District, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to a voice in the formulation of educational policy. The Board also recognizes the following roles and responsibilities that are clearly established by law.

1. The Board has the final responsibility for establishing policies of the school system. (E.C. 35160)
2. The Superintendent and staff have the responsibility of carrying out the policies established. (E.C. 44805)
3. The certificated teaching personnel have the ultimate responsibility of providing the best possible education in the classroom.

Attainment of Goals

Attainment of the goals and objectives of the educational program conducted in the schools of the District requires mutual understanding and cooperation among the Board, the Superintendent and administrative staff, certificated personnel, classified personnel and other citizens of the community. To this end, free and open exchange of views is desirable, proper and necessary.

Employee Organizations

The Board recognizes the right of District employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' 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.

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)

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

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, 3551.5)

Employee organizations which meet the provisions of the law shall have the right to represent their members in matters within the scope of representation provided by law and rulings of the Public Employment Relations Board. (Government Code 3542.1)

The Superintendent or designee may communicate with District employees regarding their rights to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. 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.

However, before disseminating to multiple employees any mass communication concerning employees' rights under the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the District and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the District's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to Employee Contact Information

The District shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor disclose the home address, home 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 to an employee organization. Upon written request of any employee, the District shall not disclose the employee's home address, home telephone number, personal cellular telephone number(s), personal email address(s), or birth date to an employee organization. Following receipt of a written request, the District shall remove the employee's home address, home telephone number, and personal cellular telephone number from any mailing list maintained by the District, except if the list is used exclusively by the District to contact the employee. (Government Code 3558, 6207, 6254.3)

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)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the District, the District shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the District a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the District. (Education Code 45060, 45168)

The employee organization shall indemnify the District for any employee claims regarding payroll deductions made by the District in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the District shall request a copy of the employee's written authorization before making the payroll deductions. (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 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 to cancel or change authorizations 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)

Legal Reference:

EDUCATION CODE

35010 Control of District; prescription and enforcement of rules
35160 Authority of governing boards
35161 Powers and duties generally
44805 Enforcement of course of studies, use of textbooks, rules and regulations
45060-45061.5 Deduction of fees from salary or wage payment, certificated employees
45100.5 Senior classified management positions
45104.5 Abolishment of senior classified management positions
45108.5 Definition of senior classified management employees
45108.7 Waiver of provisions of 45108.5
45168 Deduction of fees from salary or wage payment, classified employees
45220-45320 Merit system, classified employees

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act
3540.1 Public employment definitions
3543.4 Management and confidential positions; representation
3545 Appropriateness of unit; basis
3550-3552 Prohibition on public employers deterring or discouraging union membership
3555-3559 Public employee communication, information and orientation
53260-53264 Employment contracts
6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
6215-6216 Address confidentiality for individuals who face threats or violence because of work for a public entity
6503.5 Joint powers agencies; agreement
7928.300 Personal information of agency employee

CODE OF REGULATIONS, TITLE 5

33015-33490 Recognition of exclusive representative; proceedings
33700-33710 Severance of established unit

Adopted: (11-93 6-06 2-18 10-21) 8-23

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California