

ACCESS RULES



- The access rights to employee organizations are guaranteed by the **Higher Education Employer-Employee Relations Act (HEERA)**, which states:
- Subject to reasonable regulations, employee organizations shall have:
 - the right of access at **reasonable times** to areas in which employees work.
 - the right to use institutional bulletin boards, mailboxes and other means of communication.
 - the right to use institutional facilities at reasonable times for the purpose of meetings concerned with the exercise of rights guaranteed by this act.
- HEERA also allows UCSD to place reasonable restrictions on the use of UCSD facilities by employee organizations. Details of these restrictions can be found here:
- <http://blink.ucsd.edu/HR/labor/bargaining/rights/>

Employee Organizations: Use of UCSD Facilities



- ✘ Employee organizations have the right to use UCSD facilities for meetings under certain guidelines.
- ✘ <http://blink.ucsd.edu/HR/labor/bargaining/rights/facilities.html>

- ✘ Employee organizations and their representatives:
 - May not go into inappropriate or prohibited work areas such as clinics, classrooms (during a class), restricted labs, or private student residences.
 - May confer with employees in non-work areas, such as cafeterias, patios, and picnic areas.
 - Should request the use of UCSD facilities for meetings through the Labor Relations office.

Employee Organizations: Use of UCSD Facilities (cont.)



- May post information on general purpose bulletin boards only, but not on other bulletin boards or on walls, doors, stairways, etc.
- May contact employees by U.S. mail but not by campus mail. Employee groups may also use employee mail boxes that aren't in restricted work areas.
- May not use university supplies and equipment including vehicles, computers, projectors, phones, copy machines, and office supplies.
- <http://blink.ucsd.edu/HR/labor/bargaining/rights/facilities.html>

Employee Organizations: Use of University Time



- Employee organizations and their representatives:
 - May meet with employees in non-work areas only during the employee's non-work time
 - May not meet with an employee at a time or in a place that disrupts other employees' work
- <http://blink.ucsd.edu/HR/labor/bargaining/rights/time.html>

Access Rights: FAQ



- ✘ **Q: As a supervisor, what do I do when union representatives or UCSD employees serving as union representatives come to my department offices and want to talk with my employees?**
- ✘ **A: Union representatives should not speak with employees during their work time and in their work areas. Generally, union representatives may speak to employees only in break rooms and lunch areas when employees aren't working. Unions may also schedule, in advance, the use of conference rooms to speak with employees.**

Access Rights: FAQ (Cont.)



- ✘ Employees' *work time* refers to all time during the work day *except for break periods and lunch*. Cases decided by the Public Employment Relations Board (PERB) under the Higher Education Employer-Employee Relation Act (HEERA) have held that ***employees are working*** when they are actively engaged in the performance of work and ***during "down time."*** Representatives of employee organizations are ***prohibited*** from accessing employees during such periods of down time.

Access Rights: FAQ (Cont.)



- ✘ In addition, in work areas in which employees take *staggered* rest or lunch breaks at their work stations, ***representatives may not*** enter the work area and "***make the rounds***" of employees, searching for employees who might be on formal lunch hours or break periods.
- ✘ If a representative of an employee organization attempts to speak to employees in your department during their work time and/or in an area that you think may not be appropriate, please contact the Office of Labor Relations at (858) 534-2810 for guidance.
- ✘ <http://blink.ucsd.edu/HR/labor/bargaining/rights/FAQ.html>