



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 8250

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CATEGORY: **Negotiations**

EFFECTIVE: 11-02-78

SUBJECT: **Rights of Employee Organizations**

REVISED: 6-27-03

A. PURPOSE AND SCOPE

1. To define administrative procedures governing rights, privileges, and responsibilities of employee organizations other than those that are certified exclusive representatives under the Educational Employee Relations Act. Refer to collective negotiations contracts for rights, privileges, and responsibilities of employee organizations that are certified exclusive representatives.
2. **Related Procedures:**
 - Civic center use of buildings, grounds, and equipment 9205
 - Use or purchase of district property or services by
nondistrict organizations or individuals 9220

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy G-7000, I-1150, I-1160, I-1250, J-1000, J-4000, J-4020, J-4500, K-4000, K-4010, K-7000; Government Code Sections 3540-3549; Collective Negotiations Contracts.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Human Resources Division, Office of the Superintendent.
2. **Definitions**
 - a. **Employee Organization - Type I:** An employee organization that has been certified by the Public Employee Relations Board as the exclusive representative of one or more employee bargaining unit(s) within the San Diego Unified School District. Rights of certified exclusive representatives are contained in collective negotiations contracts between the school district and the exclusive representative.

An employee organization that has been acknowledged by the Board of Education as the informal representative of a group of employees not already included in a recognized bargaining unit.

- b. **Employee Organization - Type II:** An employee organization that (1) has attempted unsuccessfully to become a certified exclusive representative of employees in this district, or (2) an employee organization (including affiliated organizations) that is certified exclusive representative of employees in another California school district, or (3) an employee organization that has one of its avowed purposes representation of employees in their employee-employer relationships.
 - c. **Employee Organization - Type III:** An employee organization (including affiliated organizations) that *does not* have as one of its avowed purposes representation of employees in their employee-employer relationships.
 - d. **Employee Organization – Type IV:** An employee organization (including affiliated organization) representing management, supervisory, and confidential employees.
3. **Rights of Employees**
- a. Except as otherwise provided by law, school district employees have a right to form, join, and participate in activities of employee organizations of their own choosing.
 - b. School district employees have a right to refuse to join or participate in activities of employee organizations. Employees in job classes for which there is a certified exclusive representative may not negotiate individually with the school district.
 - c. Neither the employee organization nor the school district and its officers shall interfere with an employee's choice if he/she joins or refrains from joining an employee organization.
4. **Rights of Employee Organizations (E.1., Attachment)**
5. **Use of School Mail Service**
- a. **Type I.** Access to the school mail distribution system shall be available to Type I employee organizations under the following conditions:
 - (1) Mail concerning district business shall be distributed, e.g., grievances and letters between district management and employee organization representatives.

- (2) Mail solely pertaining to employee organization matters, such as newsletters, fliers, communications to unit members, shall not be distributed through school mail unless appropriate U.S postage is affixed.
 - (3) Determination of whether the mail falls under category (1) or (2) shall rest solely with the district. Mail room supervisor shall consult with the Human Resources Division Office if questions arise whether mail is in category (1) or (2). Human Resources Division shall determine which category applies to a piece of mail.
 - b. Employee organizations may place mail directly in school and work site employee mailboxes.
 - c. All large volume mailing by employee organizations shall bear name of the organization both on outside cover and inside contents.
 - d. All large volume mailings by employee organizations shall be introduced into the system at the mail room located at the Supply Center, Building K, 2351 Cardinal Lane. Advance notice to appropriate authorized mail room representative is required prior to placement of mail/materials in mailboxes.
 - e. Mail from an employee organization shall be distributed at the work location by a representative of the organization sending the mail.
 - f. Use of district school mail service shall not violate United States Postal Regulations.
 - g. Employee organizations may not transmit materials through the district mail system, or school site and work site mailboxes, that support or oppose, or urge the passage or defeat of a ballot measure or political candidate.
6. **Registration. Type II, Type III, and Type IV** employee organizations must register not later than October 1 of each year with the Human Resources Division in order to obtain privileges specified in this procedure. The following information is to be provided:
- a. Name, address, and telephone number of employee organization.
 - b. Names, addresses, and telephone numbers of officers of employee organization.

- c. If the organization is incorporated, state in which it is incorporated.
- d. Name and mailing address of each area, state, or national association or organization with which it is directly affiliated.
- e. If applying for privileges as a Type III employee organization, a certification that the organization does not have as one of its avowed purposes representation by employees in their employee-employer relationship.
- f. For good cause, the district may accept registration applications after October 1. An organization seeking initial registration may file at any time during the year.
- g. All registrations shall expire on October 1 of succeeding year.

D. IMPLEMENTATION (Section C)

- 1. **Violations of this procedure or collective negotiations contracts** should be reported to the Human Resources Division.

E. FORMS AND AUXILIARY REFERENCES

- 1. Rights of Employee Organizations, Attachment

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education