

February 1, 2002

To: Directors of Human Resources
From: Joyce Villa
Subject: Representation Campaign Activities

As you know, the Public Employment Relations Board (PERB) has created a new bargaining unit consisting of certain titles previously found in the Security Services Unit (01). These titles are found in SUNY, the Office of Parks, Recreation and Historic Preservation and the Department of Environmental Conservation. Currently, four employee organizations are seeking the right to represent this unit. Those organizations are the: 1) New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA), 2) Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO (C82), 3) New York State Coalition of Police (NYCOP) and 4) Local 15 of IUPA.

All employee organizations involved except NYSCOPBA are currently in the process of getting a showing of interest from the employees in this new unit. The showing of interest is required to be submitted no later than the close of business March 8, 2002. After that date, PERB will determine which employee organizations are entitled to be placed on the ballot and hold an election.

Organizational and representation campaigns are subject to the State's policy and guidelines set forth in Section 12 of the Employee Relations Manual. A copy is attached for your information. Section 12 provides that the position of the State during any organization campaign pre-election period or election period is one of complete neutrality, and establishes limitations on employee organization activity to assure that this objective is met and to prevent undue interference with State operations.

The Guidelines contained in Section 12 allow certain organizational activities to take place, including the posting of meeting notices and the placement of staffed tables in non-work areas for the distribution of literature, obtaining of signatures, etc. The unions have been provided copies of the information in this memorandum and the attached Guidelines. It is expected that employee organizations will provide you with requests for access to a work location at least 24 hours in advance. These activities are permissible until you are advised otherwise.

Please take the necessary steps to assure that the activities described in paragraphs 4 (Use of State Facilities for Meetings), 6 (Organizational Activities in an Agency by Employees of Some Other Agency or Persons not Employed by the State), and 7 (Use of Bulletin Boards, Posting of Organizational Materials and Utilization of Agency Communications Systems) of the Guidelines are conducted as described in the complaint procedure in the attachment. If you receive any complaints regarding activities by the union or their agents, please contact Pamela Miller Williams at (518) 443-5680 or e-mail her at williapm@sysadm.suny.edu. We will keep you informed of further developments as they occur.

Attachment

c: Mr. Miller
Mr. Edwards
Dr. Murabito
Presidents, State-operated Campuses
Vice Presidents for Administration
University Chiefs of Police

GUIDELINES FOR ORGANIZATIONAL ACTIVITIES AND CAMPAIGNS

1. Position of the State. Employees have the right under Section 202 of the Taylor Law to form, join and participate in, or to refrain from forming, joining or participating in, any employee organization of their own choosing. Employee organizations have the derivative right to undertake to persuade public employees to engage in organizational activities, including the signing of authorization cards and election petitions.

The State's position is one of neutrality during organizational campaigns, pre-election periods and the election process. Management/confidential employees shall not use their official positions to help or hinder employee organizational campaigns or activities, nor shall management/confidential employees permit employees under their supervision to use their official positions to help or hinder such activities.

The State shall not harass, coerce, promise or give special treatment to employees in an effort to influence them to join or support a particular employee organization or to participate in its activities. Management/confidential employees shall not distribute material or any information to any employee organization or interrogate any employee concerning his or her organizational activities.

Organizational activities by employee organizations must be conducted so as not to interfere with the staff and efficient conduct of State operations and the discharge of work responsibilities by State employees. The State shall take appropriate action to prevent the violation of these guidelines by any person acting on behalf of an employee organization.

2. Requests for Lists of Names and Addresses of Employees and Related Information. Lists of names and addresses of employees and related information demanded for organizational purposes will not be released by any department, agency or board. Agencies receiving requests for such lists should transmit them to OER. OER will provide such information to all employee organizations, incumbents and challengers alike, upon request and appropriate charges for such lists will be made. An employee organization shall be provided such information unless there is substantial evidence that the organization is seeking this information for purposes unrelated to organizational activities among the employees in the negotiating unit involved.

3. *Policy of Nondiscrimination Between Incumbent Organizations and Challenging Organizations.* All organizations shall have equal access to employees for campaign purposes, i.e., soliciting memberships, distributing literature, obtaining signatures on authorization cards and petitions and related activities during a campaign period. When an employee organization has been recognized or certified as the representative of the employees in a negotiating unit, the campaign period shall begin no earlier than 90 days prior to the date upon which the incumbent organization's representation status is subject to challenge under Section 208 of the Taylor Law.

4. *Use of State Facilities for Meetings.* The State will not make meeting space in buildings or areas which it owns or leases available to an employee organization for campaign purposes (as defined above in subdivision 3) except under the following conditions: (a) suitable space is not reasonably available elsewhere in the area, (b) the employee organization reimburses the State for any costs which the State incurs as a result of making such space available, and (c) the organization requests the use of such space in advance, pursuant to the rules of the department or agency concerned.

No employee shall be released from work for the purpose of attending such meetings.

5. *Organizational Activities in an Agency by Employees of That Agency.* Discussions between and among such employees concerning organizational activities, the solicitation of organizational support, and the distribution of membership and authorization cards and organizational literature during nonworking hours and in nonworking areas, such as lounges, restaurants and cafeterias, are permissible. Such activities shall not impair the safe and efficient conduct of the operation, nor shall they interfere with work duties or work performance.

6. *Organizational Activities in an Agency by Employees of Some Other Agency or Persons not Employed by the State.* Such persons shall have access to employees for the purpose of soliciting memberships, distributing literature, obtaining signatures on authorization cards, and other organizational activities in parking lots, entrances to buildings, and other areas to which members of the public are admitted, provided that such activities do not inhibit the movement of people or vehicles, impair the safe and efficient conduct of the operation, or interfere with work duties or work performance.

Employee organizations shall be permitted to set up manned tables in such areas during normal working hours subject to the proviso set forth above.

7. *Use of Bulletin Boards, Posting of Organizational Materials, and Utilization of Agency Communications Systems.* The policy of nondiscrimination set forth in subdivision 3 above shall be applicable to the use of bulletin boards and the posting of materials for campaign purposes (as defined in subdivision 3 above).

Meeting notices and other organizational materials shall not be hung upon, posted or otherwise affixed to the walls, doors, windows or other appurtenances of facilities and buildings owned or leased by the State. The State's inter- and intra-agency office mail, messenger, reproduction and similar facilities shall not be used for the distribution or duplication of organizational materials.

PROCEDURES FOR HANDLING COMPLAINTS

Agencies should designate responsible officials at the local level to receive initial complaints at that level. The employee organization will be asked to direct the complaints, insofar as possible, to the appropriate level. Complaints should be addressed in the first instance to the local level. If the institution or local designee cannot dispose of the problem or has any questions as to how to handle it, he should request advice of the agency central office designee. If the central office designee cannot dispose of the complaints or would like advice from OER as to the State's policy with respect to the complaint, the matter should be referred to OER. When calling OER, the designee should state that he is a central designee and wishes to consult about campaign practices. He will be referred promptly to the appropriate OER staff member.

If one of the local or central office's designee has disposed of a complaint which he feels is particularly significant, a report of such disposition should be sent to OER.

In connection with the disposition of complaints, local supervision should exercise its best judgment in applying the following guidelines:

1. Disposition of complaints should be handled quickly by informal contacts, such as a telephone call or, if essential, by an informal meeting of as small a group as is necessary to dispose of the matter.
2. The general standards for disposition are (a) even-handed treatment of interested employee organizations, (b) avoidance of annoyance to the public and (c) avoidance of interference with the agency's operation.

**PROCEDURES FOR HANDLING EMPLOYEE
ORGANIZATION COMPLAINTS OF ALLEGED UNEQUAL
TREATMENT AND SIMILAR COMPLAINTS
DURING REPRESENTATION ELECTION COMPAIGNS**

Where appropriate, agencies should designate responsible officials at the local level to receive initial complaints at that level. The employee organization will be asked to direct the complaints, insofar as possible, to the appropriate level. Generally, complaints should be addressed in the first instance to the local level. If the institution or local designee cannot dispose of the problem or has any questions as to how to handle it, he should request advice of the agency central office designee. If the central office designee cannot dispose of the complaint or would like advice from OER as to the State's policy with respect to the complaint, the matter should be referred to OER. When calling OER, the designee should state that he is a central designee and wishes to consult about campaign practices. He will be referred promptly to the appropriate OER staff member.

If one of the local or central offices designees has disposed of a complaint which he feels is particularly significant, a report of such disposition (on the attached form if possible) should be sent to OER.

In connection with the disposition of complaints, the following guidelines should be followed:

1. Disposition of complaints should be handled quickly by informal contacts such as a telephone call or, if essential, an informal meeting of as small a group as necessary to dispose of the matter.

2. Genuine consideration should be given to employee organization views. The overall standards for disposition are (a) even-handed treatment of interested employee organizations, (b) avoidance of annoyance to the public and (c) avoidance of interference with the agency's operation. Disposition of complaints are matters on which local supervision will have to use its best judgment.

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