D A F T  - January 27, 1972
SANTA BARBARA COMMUNITY COLLEGE DISTRICT
POLICY ON CERTIFICATED EMPLOYER-EMPLOYEE RELATIONS

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1. **Purpose-of-Rules-and-Regulations**

1.1 **General Purposes**

1.1.1 It is the purpose of these rules and regulations to implement the provisions of Article 5 (commencing with Section 13080), Chapter 1 of Part 2 of the Education Code, as such provisions relate to organizations of employees in this district.

1.1.2 The purpose of Article 5, as stated in Section 13080, is "to promote the improvement of personnel management and employer-employee relations within the public school systems in the State of California by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice and be represented by such organizations in their professional and employment relationships with public school employers and to afford certificated employees a voice in the formulation of educational policy. Nothing contained herein shall be deemed to supersede other provisions of this code and the rules and regulations of public school employers which establish and regulate tenure or a merit or civil service system or which provide for other methods of administering employer-employee relations. This article is intended, instead,
1.12 Continued
to strengthen tenure, merit, civil service, and other
methods of administering employer-employee relations
through the establishment of uniform and orderly methods
of communication between employees and the public school
employers by which they are employed."

1.13 It is the further intention of the Legislature, as stated
in Section 13080, that "nothing contained in this article
shall be construed to restrict, limit, or prohibit the
full exercise of the functions of any academic senate or
faculty council established by a school district in a
community college to represent the faculty in making
recommendations to the administration and governing board
of such school district with respect to district policies
on academic and professional matters."

1.2 General Principles

1.21 Employees shall not be interfered with, intimidated,
restrained, coerced or discriminated against -- either
by the college district or by employee organizations --
because of their membership or non-membership in employee
organizations. They shall have the right to participate
through representatives of their own choosing in the
presentation of their views to the governing board when
the board may have under consideration employment
conditions and employer-employee relations, including,
but not limited to wages, hours, and other items and
conditions of employment.
1.22 Employee organizations which meet the provisions of the law and the policies of the district shall have the right to represent their members in matters relating to employer-employee relations with the district.

1.23 The Board of Trustees of the Santa Barbara Community College District is by law officially responsible for the final determination of policy for the district and cannot relinquish or delegate this responsibility to others.
2. DEFINITIONS

2.1 "Employee organization" means any organization which includes employees of this district.

2.2 "Certificated employee organization" means any organization of certificated employees which has as one of its primary purposes representing such employees in their relations with the district.

2.3 "Member" of an employee organization means a person

2.31 who is an employee of the district listed in the organization's official records as a member in good standing; and

2.32 who, if the organization has dues, has paid the customary dues for full membership standing or has signed an authorization for payroll deduction of dues which is in the possession of the appropriate district officer; and or, if the organization does not require the payment of dues, has had an application for membership accepted, and renewed on a year-by-year basis; and

2.33 who has an equal right with all members to vote in the organization in which membership is held.

2.4 "Certificated employee" means any person employed by the district who holds a valid credential issued under the authority of the California State Board of Education California Community College Board of Governors and who is employed in a position requiring such credential.
2.5 "Meet and confer" is defined to mean that the Board of Trustees, or such representatives as it may designate, and the Certificated Employee Council or representatives of employee organizations shall have the mutual obligation to exchange freely information, opinions, and proposals; and to make and consider recommendations through orderly procedures in a conscientious effort to reach agreement by written resolution, regulation or policy of the college district effecting such recommendations.
3. VERIFICATION OF EMPLOYEE ORGANIZATIONS

3.1 Any organization desiring to be recognized as an employee organization for the purpose of representing its members in this district in matters pursuant to Sections 13080-13089 of the Education Code shall register its intent by submitting all of the following information to the Superintendent by October 15 of each year:

3.11 The name and mailing address of the organization, including a complete list of the officers and their names, titles, and mailing addresses.

3.12 A statement certified as true by the president or secretary that the organization includes in its membership employees of this district and that it has as one of its primary purposes the representation of such employees in their relations with the district, that the organization permits membership without regard to race, color, creed, or national origin, and that the filing is made in accordance with the employee organization's rules and regulations as provided in its constitution or by-laws.

3.13 Copies of the articles of incorporation and by-laws, or constitution and by-laws, and any other written regulations or rules governing the organization and its membership.

3.14 The name and mailing address of each area, state, or national association or organization with which it is directly affiliated; and if the organization is incorporated, the state in which it is incorporated.
3.15 A notarized sworn statement setting forth the number of employees of the district who are members in good standing of the organization on the date the statement is made.

3.16 The name of each officer, committee chairman, or official representative authorized to represent the organization and its members in meetings and conferences with the district or its authorized representatives. Any limitation in the authority of such officer, committee chairman, or official representative shall be stated.

3.2 The Superintendent, upon receiving the information required by the foregoing section, shall determine whether or not the organization qualifies as an employee organization as defined in section 2.1 and shall report his decision to the organization within one week after receiving the documents. At the next meeting of the governing board, the Superintendent shall certify that the information has been received and shall submit his recommendation as to the recognition of the organization.

3.3 Information required in sections 3.11 to 3.14 shall be kept current by filing with the Superintendent supplementary statements or copies of amendments.
Recognition of an organization shall expire on October 31 of each year unless renewed by providing to the Superintendent:

3.41 All of the documents set forth in sections 3.11 to 3.15, inclusive, not later than the first-day-of-the-seventh-school-week, October 15.

3.42 Not later than the first-day-of-the-seventh-school-week, October 15, a notarized sworn statement setting forth the number of employees of the district who were members in good standing of the organization on the first-day-of-the-sixth-school-week date of the filing of the statement.

3.5 For good cause, the board may accept applications for verification submitted after October 15. An organization seeking initial verification subsequent to October 15 may file the required statement at any time during that year. All verifications approved by the Board of Trustees shall expire on October 31 of the succeeding year.

3.6 If the Board of Trustees determines that there is a violation of any of the provisions of this verification policy by any organization or its official representatives, the matter shall be called to the attention of the employee organization concerned before any action is taken. Violation of verification policies may warrant the cancellation by the Board of Trustees of the verification of that organization for such period of time as the Board of Trustees deems appropriate.
4. **ESTABLISHMENT OF **Negotiating **CERTIFICATED EMPLOYEE COUNCIL**

4.1 There is established a Negotiating Council in the Santa Barbara Junior College District, composed of nine members representing certificated employee organizations as defined in section 2.1. Contingent upon verification of more than one employee organization in compliance with the provisions of this policy, a Certificated Employee Council shall be established. The Certificated Employee Council shall be composed of nine members who shall be selected by the verified employee organizations they represent.

4.2 Each certificated employee organization shall be entitled to appoint such number of members of the Negotiating Certificated Employee Council as bears as nearly as practicable the same ratio to the total number of members of the Negotiating Certificated Employee Council as the number of members of the certificated employee organizations bears to the total number of certificated employees of the district who are members of the certificated employee organizations.
5. PURPOSE AND SCOPE OF Negotiating Council CERTIFICATED EMPLOYEE COUNCIL

5.1 Through the Negotiating Certificated Employee Council the governing board of this district, or its designated administrative officer, shall meet and confer with representatives of certificated employee organizations upon request with regard to all matters relating to employment conditions and employer-employee relations; all matters relating to the definition of educational objectives; the determination of the content of courses and curricula; the selection of textbooks; and other aspects of the instructional program to the extent such matters are within the discretion of the governing board under the law. In addition, the Board or its representative shall meet and confer with representatives of certificated employee organizations or with the Certificated Employee Council with regard to the educational program and such meeting and conferring shall be limited to items of procedure only.

5.11 Employment conditions and employer-employee relations concerning which the Board or its representative shall be required to meet and confer with representatives of certificated employee organizations or with the Certificated Employee Council shall include:

a. Salary
b. Salary schedules
c. Fringe benefits
d. Development of grievance procedures
e. Operating procedures of the Certificated Employee Council including procedures for the resolution of persistent disagreement.
5.12 Meeting and conferring between the Board or its representatives and representatives of certificated employee organizations or with the Certificated Employee Council shall be limited to procedure only in regard to the following items:

a. Definition of educational objectives of the district

b. Determination of the content of courses and curricula
c. Selection of textbooks
d. All other aspects of the instructional program to the extent such matters are within the discretion of the employer under the law.

In the context of this section "limited to procedure" is understood to mean that in these matters meeting and conferring shall occur in regard to the manner in which a decision is to be made rather than to the substance of the decision itself.

Nothing contained in this article shall be construed to restrict, limit, or prohibit the full exercise of the functions of the Academic Senate to represent the faculty in making recommendations to the administration and the Trustees of the district with regard to district policies on academic and professional matters.
5.13 Except in cases of emergency, the Board shall notify representatives of certificated employee organizations or the Certificated Employee Council thirty (30) days in advance of the proposed adoption of board policy relative to items listed above in sections 5.11 and 5.12.

5.14 In cases of emergency adoption of board policy relative to items listed in sections 5.11 and 5.12, the Board shall provide representatives of certificated employee organizations or the Certificated Employee Council opportunity to respond in writing or in person through the meet and confer process to the adopted policy within thirty (30) days.
5.2 The purpose of the Negotiating Certified Employee Council is to provide a single channel through which certificated employee organizations, whether or not they are entitled to appoint representatives to such council, shall exercise the rights generally conferred upon them in Sections 13083 and 13085 of the Education Code.

5.3 The first wage proposal of the year, including personnel benefits and other forms of compensation, made by certificated employee organizations, or the Certificated Employee Council, shall be made in a public meeting of the Board of Trustees.

5.4 The Board's designated representative in the meet and confer process shall maintain an ongoing active file which shall include:

a. The initial wage proposal made by certificated employee organizations or the Certificated Employee Council, and

b. All subsequent wage proposals, including modifications to the initial wage proposal, made by parties to the meet and confer process. The file shall be a public record and shall be ready for inspection by members of the public at any time during the regular business hours of the district.

5.5 These rules and regulations shall not be construed to prevent any employee from appearing in his own behalf in his employment relations with the district, nor shall these rules prevent any employee organization from appearing before, or making proposals to the
5.5 Continued

governing board in a public meeting in accordance with procedures established by the Board for the conduct of its meetings. In order that the application of this section may not be used to defeat the intent of sections 1.12, 5.1, and 5.2, the governing board shall give the Negotiating Certificated Employee Council an opportunity to consider such proposals originating with a certificated employee organization prior to taking action.

5.6 It is not the intent of this section to prevent the Superintendent or his administrative staff from appointing committees, convening staff meetings, and meeting with individual employees in the normal exercise of their administrative duties.
6. DETERMINATION OF REPRESENTATION ON Negotiating CERTIFICATED EMPLOYEE COUNCIL

6.1 In order to be considered for representation on the Negotiating Certificated Employee Council, an organization must qualify as a certificated employee organization and have submitted the documents provided in sections 3.11 to 3.14 not later than the first-day-of-the-seventh-school-week October 15.


6.3 The number of representatives, if any, on the Negotiating Certificated Employee Council to which each qualified organization is entitled shall be determined by applying the following formula:

\[ R = \frac{N \times M}{\Xi M} \]

Where R is the number of representatives to which each organization is entitled

N is the number of members of the Negotiating Certificated Employee Council established in section 4.1

M is the number of members of the certificated employee organization

\( \Xi M \) is the total number of members of all certificated employee organizations

6.21 In the application of the formula, the calculation of the number R shall be carried to five decimals.
Each organization will be allocated such number of representatives as shown by the whole part of the number R. Remaining positions, if any, shall be allocated on the basis of one each to the same or other organizations having the highest decimal portions of the number R in descending order.

Not later than the-third-day-of-the-seventh-school-week October 25, the Superintendent shall notify each certificated employee organization of the number of representatives to which it is entitled by application of the formula.

On or before October 31, each certificated employee organization entitled to representation on the Negotiating Certificated Employee Council shall select its representatives and file such names with the Superintendent. The filing of these names does not prevent the employee organization from appointing alternates.

The Negotiating Certificated Employee Council shall have its organization meeting not later than November 10. In order to facilitate the calling of this meeting, the Superintendent shall prepare a list of the council members and provide copies to all certificated employee organizations.
7. REQUIRED AUDIT OF EMPLOYEE ORGANIZATION MEMBERSHIP

7.1 In conformity with Section 13082 of the Education Code, regarding "the right of the employees to refuse to join or participate in the activities of employee organization . . .", each member employee has the right either to identify himself as a participating member or abstain from identifying himself. If he abstains, then he shall not be counted as a member of the organization for purposes of equivalent votes on the Negotiating Certificated Employee Council.

7.2 (Revised and approved by Board of Trustees on November 9, 1967) If an employee is a member of more than one employee organization, his membership in all organizations shall be counted for the purpose of participating in their procedures for representation on the Negotiating Certificated Employee Council.

7.3 In order to carry out the provisions of Section 13087 of the Education Code, the district shall contract for the services of an independent auditor. The statements of the employees regarding identification shall be registered with the independent auditor who shall then compile the organizational memberships. Each list of organizationally compiled voluntary statements shall then be given to appropriate officers of each organization for the use of the organization in determining their assigned member representatives. The number of representatives shall be determined by the formula described in section 6.2.
7.4 The auditor shall establish reasonable precautions to maintain as confidential all information and records. Neither any members of the governing board or the district staff nor any member or employee of an employee organization shall have access to the names of employees who are members of more than one organization or the membership lists or records used in making the determination.

7.5 The audit of statements of verified membership submitted pursuant to sections 3.42 or 5.2 shall be completed and submitted to the Superintendent no later than December 1. Any changes in representation on the Negotiating Certificated Employee Council shall be reported to the organizations by December 5. Organizations shall make the necessary changes in their representatives effective at the next meeting of the council called subsequent to December 5.

7.6 The number of members of each employee organization reported to the Superintendent by the auditor shall be considered final and shall supersede all other statements as to number of members. In the event that the Certificated Employee Council must be reconstituted because of a difference between the statements of the organization and the official audit, or because of multiple membership, the reforming of the council shall be effected by January 15. Between December 31 and January 15, organizations shall submit any changes in names of Certificated Employee Council members made necessary by the audit.

7.7 An organization, qualified to appoint one or more representatives to the council under these rules and provisions of Sections 13080 through 13089 of the Education Code, which refuses to appoint its
7.7 Continued

quota of representatives to the council or to participate in the affairs of the council shall exercise those rights granted under Section 13033 of the Education Code through the council. Such an organization shall be entitled to appoint representatives to the council and directly participate in the affairs thereof at any time during the council's term.
8. RIGHTS AND PRIVILEGES TO ORGANIZATION OF EMPLOYEES

8.1 In addition to all other rights granted in these rules and regulations, recognized employee organizations may participate in the services provided in this section.

8.2 An organization of employees of this district which does not meet the definition of employee organization may participate in the services provided in this section by submitting to the Superintendent the documents described in sections 3.11, 3.13, and 3.14.

8.3 The following services are provided for organizations described in sections 8.1 and 8.2:

8.31 Use of school mail and bulletin board for official organizational communications in accordance with district procedures.

8.32 Reasonable access to teachers at their place of assignment when such access will not interfere with assigned duties of teachers.

8.33 Permission to use school facilities, when not otherwise used for educational purposes, without charge for routine organization meetings. The district reserves the right to require application for Civic Center permit in accordance with board rules and regulations.

8.34 Furnishing to the organizations by the district non-confidential information relating to employer-employee relations, salaries, personnel benefits, budget, district finance, and other data appropriately of interest and concern to organizations.
3.35 A listing of organization and principal officers in the district directory.
DESIGNATION OF ADMINISTRATIVE OFFICER

9.1 Education Code Section 13085 and section 5.1 of these rules provide in pertinent part that "the governing board, or such administrative officer representatives as it may designate, shall meet and confer with representatives of employee organizations . . ." It is here-with provided that the Superintendent shall be designated administrative-officer representative of the Board and shall be referred to in this policy as designated administrative officer.

9.2 In the absence of the Superintendent, the Administrative Dean, Business Services, shall be the designated administrative officer. In carrying out the duties of designated administrative officer provided in these rules and regulations, the Administrative Dean, Business Services, shall be construed as having all the authority accorded to the Superintendent in section 9.1 for the implementation of these rules and regulations.
10. **MEETINGS BETWEEN THE DISTRICT AND THE \textit{Negotiating Certificated}**

**EMPLOYEE COUNCIL**

10.1 The designated administrative officer provided in section 9 shall meet and confer with the \textit{Negotiating Certificated} Employee Council on request. Such meeting shall be held within ten days after the request, at a time and place mutually acceptable to both parties.

10.2 The request provided in section 10.1 shall be in writing and signed by the chairman of the \textit{Negotiating Certificated} Employee Council or by a majority of the members of such council. It shall be delivered to the designated administrative officer either personally or by mail, and shall set forth the matters which the council wishes to present at the meeting. The request shall also contain suggested dates for the proposed meeting, but it is expected that the chairman of the council and the administrative officer will confer informally for the purpose of establishing a mutually acceptable time, date, and place.

10.3 If the designated administrative officer desires to initiate a request for a meeting with the \textit{Negotiating Certificated} Employee Council, he shall address such written request to the council chairman and may provide copies to each member of the council. Such request should set forth the matters which the officer wishes to present, together with suggested dates. Such meeting shall be held within ten days after the request, at a time and place mutually acceptable to both parties.
10.4 In meetings of the Certificated Employee Council with the designated administrative officer, the chairman of the Certificated Employee Council shall serve as chairman with respect to council members, and the designated administrative officer shall serve as chairman with respect to the district's representatives.

10.5 The designated administrative officer shall appoint a recorder to serve at district expense at each meeting between the Negotiating Certificated Employee Council and such administrative officer. Each member of the council and each member of the governing board shall be entitled to receive a copy of the proceedings prepared by the recorder.

10.6 It is expected that the Negotiating Certificated Employee Council will adopt reasonable procedures for the consideration of proposals submitted by the designated administrative officer and by organizations not directly represented by membership on the council. In this case, "reasonable" is intended to guarantee that proposals submitted by other organizations and by the designated administrative officer will be considered promptly and fairly and through procedures that are not unduly complicated or time consuming.

10.7 The designated administrative officer and the Negotiating Certificated Employee Council shall each be entitled to have present such consultants as each shall deem necessary, and such consultants shall be entitled to make presentations at the direction of their sponsor.
10.8 Recommendations agreed upon by the designated representative of the board and the Certificated Employee Council will be reduced to writing and signed by the designated representatives of the parties, but will not become operative until they have been adopted by the Board. The official representatives of the employee organizations concerned or their designated consultants may make presentations or statements concerning the recommendations prior to action of the governing board.

10.9 If the Board of Trustees does not adopt the recommendation, it shall notify the Certificated Employee Council in writing of its decision and its reason therefor. A decision by the Board of Trustees not to adopt a recommendation shall not preclude further consideration of the matter by the Certificated Employee Council and the designated representative of the Board.
11. REVIEW

In those few instances where major disagreement exists, the governing board, designated administrative officer, and employee organizations have an obligation to review and reaccess in good faith all available information and proposals, and seek additional information if needed, in an effort to arrive at an acceptable decision.

11.1 Every effort shall be made to resolve disagreements between the Board of Trustees and the Certificated Employee Council by the use of internal and informal district procedures. Recommendations of the Certificated Employee Council which have been rejected by the Board shall be returned, along with the Board's reasons for such rejection, to the Certificated Employee Council for review and reassessment or submittal to problem-solving procedures less than the formal fact-finding panel as provided for in sections 11.2 and 11.3.

11.2 If, after every effort has been made to apply the pre-fact-finding procedures described above in section 11.1, and if after no less than 30 days, the Board of Trustees and the Certificated Employee Council fail to reach a mutually satisfactory agreement to make a recommendation on any matter relating to employment conditions and employer-employee relations, including but not limited to, wages, hours, and other terms and conditions of employment, a fact-finding panel shall be formed in accordance with Section 11.3.
11.3 The members of the fact-finding panel shall be selected and shall function as follows:

a. The Board and the Certificated Employee Council shall each select one panel member, within seven days, who is not an employee of the college district, nor a member of the Board.

b. These two persons shall, within seven days, select a third person to be chairman of the fact-finding panel. Such third person shall be neither an officer, an employee of the district, a member of the Board, nor a member of the participating local organizations.

c. If a chairman is not thus appointed within the specified seven days, the Board and the Certificated Employee Council shall request the Conciliator of the State Personnel Board to appoint, within seven days, a chairman outside of the participating parties.

d. The fact-finding panel, within a reasonable time after its establishment, shall meet with the Board's representative and the Certificated Employee Council to conduct investigations and to hold hearings.

e. All costs including honorariums, expenses for necessary travel, and subsistence for the services of the members of the fact-finding panel shall be borne as follows: The Certificated Employee Council shall bear all such expenses for the panel member they select; the Board of Trustees shall bear all such expenses for the panel member they select and for the third panel member.
11.3 Continued

f. Implementation of the agreed upon fact-finding procedure does not imply the advance commitment by one or both parties to accept the report of the fact-finding panel.

g. The fact-finding panel shall report its findings of the fact to the parties requesting such facts at a public meeting of the parties, but shall only make recommendations to the Board of Trustees and the Certificated Employee Council for the resolution of persistent disagreement upon their mutual and written request.