

Chapter 5 – Administrative

Article 4 – Labor Relations

5.4.1 Official Notice to Labor Organizations

(a) Policy

- (1) The California Correctional Health Care Services (CCHCS), Labor Relations Unit (LRU), is responsible for maintaining, planning, organizing, developing, monitoring, and administering CCHCS' labor relations policies, programs and services to ensure compliance with California Government Code (GC) Section Codes 3512 through 3539.5.
- (2) The LRU shall provide Official Notice, to labor organizations when a change in policy, procedure, or past practice meets the threshold for Official Notice under the Memorandum of Understanding, as defined by the GC, Sections 3512 through 3524; or the Excluded Employee Bill of Rights, GC, Sections 3525 through 3539.5. Once Official Notice has been provided to a labor organization, they may request to meet via the formal meet and confer process. The LRU represents for CCHCS in the formal meet and confer process between recognized labor organizations and the state.

(b) Purpose

To define the LRU's process for providing Official Notice to labor organizations which may be required when there are proposed changes in program, policy, procedure or other terms and conditions of employment.

(c) Applicability

This policy shall be applicable for all situations that may require an Official Notice to labor organizations including, but not limited to changes that:

- (1) Affect working conditions of employees.
- (2) Relate to employees' hours of work, wages, or other terms and conditions of employment.
- (3) Modify staffing, programs, or assignments including activation and deactivation.

(d) Procedure

(1) Institution Roles And Responsibilities

- (A) When institution management proposes or identifies necessary changes that may affect working conditions, hours of work, wages, or other terms and conditions of employment, supervisors/managers, with the Labor Relations Analyst (LRA) assistance, shall complete the [Negotiation Preparation Tool](#) and assemble necessary documentation for submission to the LRU.
- (B) The institution LRA shall assist local management in completing the Negotiation Preparation Tool, ensure all appropriate and necessary documents are included, and submit the finalized Negotiation Preparation Tool to LRU.
- (C) The Hiring Authority (HA) shall ensure that the Negotiation Preparation Tool package includes accurate, complete, and finalized documents. The Negotiation Preparation Tool must be signed by the Chief Executive Officer (CEO) or Regional Health Care Executive.
- (D) The LRU shall:
 1. Review the Negotiation Preparation Tool package submitted by the institution and determine if an Official Notice(s) is required to the labor organizations.
 2. Review the Negotiation Preparation Tool package for potential impact to employees, including workload, safety, and logistics. Depending on the classifications that are impacted (e.g., Registered Nurses [RN], Dentists, Psychologist, Physicians, etc.), multiple notices may be required. If LRU identifies Division of Adult Institutions employees to be impacted, a copy of the Negotiation Preparation Tool shall be forwarded to CDCR Office of Labor Relations and LRA.
 3. Provide direction and guidance to the LRA, supervisors/managers, and the HA in their respective roles and responsibilities.

(2) Headquarters/Program Roles And Responsibilities

- (A) When management from a headquarters (HQ) program proposes or identifies necessary changes that may affect working conditions, hours of work, wages, or other terms and conditions of employment, supervisors/managers shall complete the Negotiation Preparation Tool and assemble necessary documentation, for submission to the LRU.

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(B) The HQ program Deputy Director (DD)/Director shall ensure that the Negotiation Preparation Tool package includes accurate, complete, and finalized documents. The Negotiation Preparation Tool must be signed by the DD or Director.

(C) The LRU shall:

1. Provide assistance to HQ management, and review the Negotiation Preparation Tool package and determine whether or not Official Notice(s) is required to the labor organizations.
2. Review the Negotiation Preparation Tool package for potential impact to employees including workload, safety, and logistics. Depending on the classifications that are impacted (e.g., RNs, Dentists, Psychologist, Physicians, etc.), multiple notices may be required.

(3) Completing The Negotiation Preparation Tool And Summary Memorandum

(A) Management shall complete the Negotiation Preparation Tool and prepare a summary memorandum for the appropriate authority signature and submit the package to the LRU. The summary memorandum shall include the following:

1. A description of the policy/procedure change, including the proposed implementation date. The implementation date must be at least 30 to 60 days in the future or after the organization has been provided Official Notice (see below).
 - a. Requires 30-Day Notice Period
 - 1) American Federation of State, County, and Municipal Employees
 - 2) California Association of Psychiatric Technicians
 - 3) Service Employees International Union
 - 4) Union of American Physicians and Dentists
 - 5) Supervisory Organizations
 - b. Requires 60-Day Notice Period
 - 1) International Union of Operating Engineers
 - c. Requires 30 to 60-Day Notice Period (based on whether the implementation is at one institution, two institutions, or statewide)
 - 1) California Correctional Peace Officers Association
2. The reason for the change. Include copies of any applicable court orders, laws, injunctions, and/or governing deadlines.
3. The perceived or alleged impact to employees, including workload, safety, and logistics. Include current process and the proposed new process.
4. A description of all related staffing changes, including the classifications and number of staff that may be affected.
5. One or more subject matter experts, at a supervisory/managerial level, who will participate in the formal meet and confer process (name, title, classification, and phone number).

(B) Provide the following documents associated with the change, as applicable. All documents must be in final and approved versions (no drafts).

1. Policy/Local Operating Procedure
2. Health Care Department Operations Manual/Department Operations Manual
3. Memorandums
4. Post Orders
5. Duty Statements
6. Training Curriculum
7. Schedules
8. Regulation Revision
9. Post Assignment Schedule
10. Master Assignment Roster
11. Organizational Charts
12. Relevant Clinical Care Guides

(4) Submission of the Negotiation Preparation Tool

(A) The institution supervisor/manager shall submit the completed Negotiation Preparation Tool package to the institution LRA. For HQ, programs submit the package to the DD/Director.

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- (B) The LRA/CEO/DD/Director shall review, sign, and submit the Negotiation Preparation Tool package to the LRU mailbox at m_CCHCSLaborNegotiatPrepTool@cdr.ca.gov.
1. Once the LRU receives the Negotiation Preparation Tool package, the assigned staff shall review the contents of the package to determine if an Official Notice(s) is required.
 - a. If the LRU determines that no Official Notice(s) is required, the HA and LRA shall be informed of that determination.
 - b. If the LRU determines that an Official Notice(s) is required, the LRU staff shall prepare the Official Notice(s) and send it to the affected labor organization(s).
 2. A copy of the Official Notice(s) shall be sent to the HA and LRA. After the Official Notice(s) is sent, and if the affected labor organization(s) request to meet regarding the proposed changes, the LRU shall coordinate with the LRA and the HA in preparation for the meet and confer process.

References

- California Government Code, Title 1, Division 4, Chapter 10.3, Section 3512 to 3524
- California Government Code, Title 1, Division 4, Chapter 10.3, Section 3525 to 3539.5
- California Department of Human Resources, Bargaining / Contracts
<https://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx>

Revision History

Effective: 01/2022