The governing labor law for higher education labor relations in California is the Higher Education Employer-Employee Relations Act (HEERA). Under HEERA, certain employee rights and activities are considered protected by the law. The law also protects employees from certain management acts known as unfair practices which may interfere with protected rights and activities.

Higher education public employees have the right to strike under certain conditions that are defined by the state Public Employment Relations Board (PERB). While our campus managers and supervisors are committed to compliance, this short guide is intended to provide managers and supervisors with information on how to avoid inadvertently engaging in unfair practices before, during, and after a strike. This also serves as a frequently asked questions guide for managers and supervisors during this time period. For additional information, please contact your Labor Relations analyst here: http://shr.ucsc.edu/elr/elr-staff-directory.html.

What actions should managers and supervisors avoid before, during, and after a strike during a period of status quo?

- **No discrimination or retaliation against employees for having participated in strike activity.**
  Managers and supervisors should not discriminate or retaliate against employees for planning to or having participated in a strike. For example, an employee should not be denied a promotion due to past participation in a strike. For questions about what constitutes discriminatory behavior under HEERA, please contact your Labor Relations Analyst.

- **Do not engage in threats or reprisals for having participated in strike activity.**
  Managers and supervisors should not threaten employees for planning to participate in a strike, nor engage in reprisals against employees for having participated in a strike. For example, you should not poll employees if they are going to strike. If an employee informs you of the plan to strike, you can say, "Thank you for letting me know", but do not make negative statements about the employee's choice to strike or about the nature or legality of the strike. Any legitimate employment actions taken related to a strike (e.g. lack of pay for lack of work) would first be reviewed by Employee & Labor Relations and Chief Campus Counsel, or Office of General Counsel as necessary) and then authorized by the Principal Officer.

- **No interference with union rights.**
  Managers and supervisors should not interfere with the union's right to engage in protected activities. For example, if a union leader has been authorized to post information on a certain bulletin board, that same right applies to posting strike notices.

- **Stay Neutral.**
  Managers and supervisors should remain neutral while employees organize for and participate in any protected labor activity.

- **No bypassing the exclusive representative.**
  Managers and supervisors should not deal directly with employees on matters within the scope of bargaining. For questions on what work-related issues you can talk to employees about in preparation for and during a strike, please contact your Labor Relations Analyst.
FAQS

1. **Do employees get paid if they are on strike?**
   Employees may be compensated by their union while on strike. This is called strike pay. However, employees will not be compensated by the University while on strike. It is incumbent on supervisors and managers to track employee absences during the strike to ensure pay is appropriately corrected.

2. **If an employee takes a sick day, how do I determine whether the employee is sick or is participating in the strike?**
   The University has reasonable justification to request documentation for an employee’s sick leave, even if you have not done so in the past, because of the impact on your business or operational needs due to strike activity. You may require that employees provide reasonable documentation to support their request for sick leave if the requested day off is concurrent with the strike day. If you choose to do so, prior to the strike, you should notify employees that if they are absent on the strike day, they must provide a doctor’s note to verify their illness in order to use sick leave accruals. Managers and supervisors are responsible for tracking employee attendance during a strike.

3. **What if some of my employees participate in the strike and others do not?**
   Employees have the right to decide whether or not to participate in strike activities. As a manager, you must remain neutral and not influence the employee’s decision.

4. **Some of my employees are not participating in strike planning, but are feeling pressured by their coworkers. How can I respond?**
   Employees have the right to engage in concerted activity but also have the right to choose to work during a strike. If an employee is feeling pressured, you can assure the employee that their decision will not negatively impact their employment status and that the employee cannot be retaliated against for their choice to participate or not. As a manager and supervisor, you have the ability to enforce general standards of appropriate communication behavior to all of your staff, including affirming the University’s commitment to the **Principles of Community** and President Napolitano’s **guidance on abusive conduct and bullying**.

5. **How should I cover work in employees’ absences?**
   Each department should develop an employee strike plan to ensure that work can be appropriately covered during the period of a strike. Work coverage will differ by unit. Some units may hire temporary employees to assist during a strike; any request for temporary work will need to be coordinated with Talent Acquisition, Campus Procurement, and Employee & Labor Relations and may need to be approved by a Principal Officer. Other units may have non-represented employees assume additional duties for the day. Maintaining critical work functions in the unit will be the priority and there may be work that does not get done. If you need guidance developing a strike plan for work coverage, please contact your Employee Relations Analyst.

6. **I have a union representative that is disturbing my employees during work time. What should I do?**
   Our collective bargaining agreements state that union business shall be conducted on non-work time. Additionally, union representatives are expected to abide by **union access regulations and guidelines**. This means the union representative should speak with employees before or after work, during breaks or meal periods. If the union representative is disturbing employees during work time, you may inform the representative that they can contact employees during their non-work time. You are not obligated to release employees to speak with their union representative during work time. Please notify your Labor Relations Office.
7. **What if my employee wants to take vacation or compensatory time off on the day(s) of the strike?**
   Contract language allows management to deny or approve vacation requests based on operational needs. If an employee requests to use vacation or compensatory time off for the day of a strike, please follow your department’s established vacation scheduling practice.

8. **What if my employee is fearful of crossing the picket line?**
   The chancellor communicates that the campus is open and classes are being held after close consultation with the Emergency Management Policy Group, including the UC Santa Cruz police chief. While the campus remains open, non-striking employees are expected to work their usual work hours. Please communicate this expectation directly to your staff before next week’s strike event. In this instance, campus administration has made the determination that campus ingress and egress route(s) is open and may be used, although travel time to campus may be increased. If an employee feels they cannot get to campus because they feel unsafe crossing the strike line, they should immediately call their manager/supervisor to apprise them of the situation. Each situation will be analyzed on a case-by-case basis. Exceptions to this general rule include (1) when an employee has pre-arranged an alternative work site for strike days; (2) an employee is on an approved leave of absence; (3) the employee is taking any other type of pre-approved leave (leave without pay, vacation, etc.).

9. **What if an instructor or TA is absent during a strike?**
   Department chairs should contact the divisional academic personnel coordinator in the deans’ offices to report unauthorized absences of academic employees.

10. **Can I make any changes during status quo to my employees’ salary, classification, stipends, etc.?**
    During the status quo period, you may not make any changes to employees' terms and conditions of employment. This includes salary, classification, schedules and work rules. If you have questions about potential changes for your employees, please contact your Labor Relations analyst.

11. **What if I am contacted by City on a Hill or other news/media outlets?**
    You should not directly respond to media inquiries. An appropriate response would be, “I cannot comment at this time.” All media inquiries should be directed to Scott Hernandez-Jason at shj@ucsc.edu.

12. **Does the campus have a plan to manage the strike?**
    Yes, the University has a dedicated strike plan which helps the campus organize and plan during concerted labor activity. Review the [UCSC Labor Strike Plan](#) to learn more.

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