

Politics at Work

Know Your Rights!

Can we do political campaigning at work?

Not only *can* we, but we also *should*! As public school employees, we need to be politically active for the sake of our profession, our students, and our schools.

It's Constitutional!

While the school district may make *some* rules that limit political activity, it cannot make a rule against *all* political activities at work. Both the U.S. and state constitutions require that any limitations on an employee's political speech at work be very narrow and not too restrictive. SDUSD Administrative Circular No. 23 imposes rules that are too broad and too restrictive, and are therefore likely unconstitutional.

Discussing Political Actions during Union Meetings

Under the Education Code and the Educational Employee Relations Act (EERA), you have the right to hold union meetings on district premises to discuss political issues and elections. At these meetings you can distribute campaign materials, urge members to participate in political activities, and promote candidates and initiatives. As always, union meetings must be held before or after school or during other non-instructional times, such as your lunch break. These union meetings should not include parents or students.

Leafleting Community Members

You may distribute leaflets and other materials that are political in nature during non-duty time off district premises. For example, before the start of their workday, a group of teachers can stand on a public sidewalk outside of the school and hand out political flyers to parents as they drop off their students.

Staff Mailboxes

The California State Supreme Court has held that union members cannot use employer staff mailboxes to urge support for or the defeat of a political candidate. However, this ruling does not limit our right to distribute materials that take a stance (either for or against) a ballot initiative.

Wearing Political Buttons

You can wear political buttons at work so long as you are not providing direct services to students. You can always wear political buttons when not engaged in direct services to students. For example a teacher is prohibited from wearing a button while she is teaching in the classroom, but she can wear a political button during Back-to-School night, a school football game, during a prep period, etc.

Sources: Educational Employment Relations Act (1978); Dessert CCD (2007) PERB Dec. No. 1921; San Leandro Teacher's Assn. v. Governing Board etc. (2009) 46 Cal.4th 822; SDUSD Administrative Circular No. 23 (2012)

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