

Attachment B

How to Respond to a “Sick-out” Job Action:

If an employee participates in a prohibited job action, for example, if an employee calls in sick to work and you have reason to believe that employee is not sick and is, in fact, participating in a job action:

1. Direct the employee to go back to work.
2. Inform the employee that the job action is prohibited and he/she may be placed on unauthorized dock and subject to disciplinary action.
3. No leave requests should be granted prior to the employee returning to the worksite. Once the employee has returned to the worksite, leave requests should be evaluated on a case-by-case basis in consultation with your labor relations office and CalHR.
4. Document in writing all contacts with employees, union representatives, etc. Include dates, times, persons contacted, and all key factual information.
5. Keep your labor relations office informed. Your labor relations office will notify CalHR.
6. Be sure to contact your labor relations office for direction on what to do if you are unsure of the appropriate response. Your labor relations office may have to consult with CalHR.
7. Be consistent in your actions and responses.
8. In all communications with employees and union representatives, state the facts accurately. In making any responses, do not make threats or promises. Do not offer personal opinions or comments about the situation.

Employees May Ask:

1. Will I continue to be paid and receive other benefits if I go on strike? *Employees can only be paid for work performed or on authorized leave status.*
2. If the Union orders a strike, does an employee have to participate? *No, every employee has a legally protected right to choose not to participate in a strike. Furthermore, all state employees have agreed through their contract with the state that they will not participate in strikes.*

3. Can employees cross a picket line? *Yes, every employee has a legally protected right to choose not to participate in a picket line. It is unlawful for anyone to intimidate or coerce employees against their will to join in a picket.*
4. If an employee works, will he/she get paid? *Yes*
5. Can I collect unemployment benefits if I strike? *No*
6. Can an employee get help crossing the picket line? *Yes. Departmental contingency plans should address how employees can be assisted in getting to work.*