

HUMAN RESOURCES

Employee Organizations

Employee Organization Certification Procedure

This regulation supersedes Regulation 4520.2.

I. PURPOSE

To establish the requirements and outline the procedure for the certifying an employee organization.

II. SUMMARY OF CHANGES SONCE LAST PUBLICATION

This regulation has been reviewed, and there are no changes at this time.

III. ELIGIBILITY

An employee organization seeking certification as a prerequisite for access to established privileges shall be primarily composed of and organized for employees of Fairfax County Public Schools.

No employee organization shall be eligible for established privileges unless it has complied with the requirements of this regulation.

IV. PROCEDURE

Prior to July 1 of each year the president of the employee organization shall submit the following to the assistant superintendent, Department of Human Resources (HR): an annual report in the prescribed form containing the information required; a copy of the organization's current constitution, bylaws, and personnel policies, and accompanying statement; and a certification statement.

A. Annual Report

The annual report shall provide the following information:

1. The name and address of the organization and any parent organization or organizations with which it is affiliated.
2. The names, titles, and budgeted compensation levels and allowances of its officers, representatives, and staff members.

3. The manner in which the officers were elected, appointed, or otherwise identified.
 4. A description of the school employees the organization represents, the number of members and job groups of members, and like information on any members who are not school employees.
 5. The amount of the initiation fee and monthly dues that members must pay.
 6. A financial report and audit statement.
- B. Constitution, Bylaws, Personnel Policies, and Accompanying Statement
1. The constitution, bylaws, and personnel policies of the employee organization shall contain the following provisions:
 - a. Accurate accounts of all income and expenses shall be kept, and an annual financial report and audit shall be prepared. Such accounts shall be open for inspection by any member of the organization, and loans to officers and agents shall be made only on the basis of terms and conditions available to all members.
 - b. The officers and agents of the organization, and their sponsors, minor children, parents, or other relatives shall be prohibited from participating in businesses or having financial interests that conflict with their fiduciary obligation.
 - c. Every official or employee of the organization who handles funds or other property of the organization, or who handles trusts in which the organization has an interest, shall be bonded.
 - d. The governing rules of the organization shall provide for periodic elections by secret ballot subject to recognized safeguards concerning the right of members to nominate, seek office, and vote in such elections; the right of individual members to participate in the affairs of the organization; and fair and equitable procedures for disciplinary action.
 2. An accompanying statement signed by the president of the organization shall be included with the annual report certifying that the preceding requirements are being met and either citing the provisions of the organization's constitution, bylaws, and personnel policies or stating the procedures followed with respect to:
 - a. Qualifications for or restrictions on membership.
 - b. Calling of regular or special meetings.
 - c. Levying of assessments.
 - d. Imposition of fines.
 - e. Authorization of disbursement of the organization's funds.

- f. Audit of the organization's financial transactions.
- g. Participation by staff in insurance or other benefit plans.
- h. Expulsion or suspension of members and the grounds therefore.

C. Certification Statement

An affidavit signed by the president of the organization shall be included with the annual report certifying that the employee organization is one which:

1. Does not advocate the overthrow of the constitutional form of government in the United States or the commonwealth of Virginia or the interruption of governmental services or the engagement in other unlawful job actions against any unit of government.
2. Does not discriminate with regard to terms or conditions of membership because of race, color, creed, sex, age, handicapping condition, religion, or national origin.
3. Adheres to democratic procedures and practices regarding election of officers, individual participation in organization affairs, and fair and equal treatment under its bylaws, including due process in disciplinary proceedings.
4. Maintains fiscal integrity in the conduct of the affairs of the organization, including accounting controls and regular financial reports to members.
5. Has a local constitution and bylaws, and a roster of officers fully elected in accordance with said constitution or bylaws.

V. NOTIFICATION OF CERTIFICATION STATUS TO EMPLOYEE ORGANIZATION

Following receipt of the initial request or annual report the assistant superintendent, HR, shall confirm the employee organization as to whether the certification requirements have been fulfilled.

A. Complete Report

If the report is complete and accurate, the assistant superintendent, HR, shall confirm to the president that the employee organization is certified for one year beginning July 1 and ending June 30.

B. Incomplete Report

1. If the registration disclosures appear on the surface to be incomplete or inaccurate in any material respect, the assistant superintendent, HR, shall so advise the employee organization requesting certification.
2. If, in the opinion of the assistant superintendent for HR, the employee organization is unable to submit some portion of the annual report due to

circumstances beyond its control, the employee organization may be temporarily certified.

VI. SUSPENSION OF PRIVILEGES

If it appears at any time that registration documents include an untrue statement of a material fact, fail to state any material facts required to prevent the statements therein from being misleading, or fail to comply with the requirements and guidelines or the privileges granted to certified organizations, the assistant superintendent, HR, shall notify the employee organization. If the deficiency is not corrected or clarified within 15 days of such notification, access to established privileges shall be suspended until the deficiency is clarified or corrected.

VII. APPEAL OF SUSPENSION OF PRIVILEGES

A notification of suspension of certification or of any privilege within this regulation from the assistant superintendent, HR, may be appealed by the employee organization to the School Board in writing within 15 days of such notice, in which case suspension shall be stayed pending a decision by the School Board. If the School Board rejects the appeal, the employee organization shall have 15 days to clarify or correct the deficiency.