

MEMORANDUM

State of Alaska
Department of Administration
Division of Personnel & Labor Relations

To: All Division Directors
All Supervisors

Date: October 8, 2006

From: Dianne Kiesel
Director

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Subject: Interpretative Director Memorandum
Re: Employee hand billing and related non-work activity

This memorandum is the Department of Administration's general interpretation and guidance regarding limitations of state employees wishing to engage in hand billing and other similar advertisement or promotion activity at the workplace. This memorandum is to be applied along with previous related notices regarding non-work activity, access and conduct at the work place.

The facts giving rise to this memorandum concerned State employee hand billing activity at the work place in the course of a labor union election campaign. Specifically, employee(s) were placing hand bills in employee mail boxes and going to work sites to distribute hand bills at work stations.

The general rule is that placing hand bills in employee mail boxes and going to work sites to distribute hand bills at work stations is prohibited. This rule is not limited simply to union electioneering activity, but rather is applicable to employee hand billing in general irrespective of the subject or topic of the hand bill. For example, the same prohibition or limitation is applicable to hand billing or other similar advertisement or promotion activity for community events and the like. To enter a work area to hand bill employees or utilize employee mail boxes for personal non-work events is prohibited. Using the state e-mail or phones is also off limits for such purposes.

Many state work sites have break rooms available for employees. During non-work times, break rooms are a limited area where employees may hand bill or even post a hand bill on a designated bulletin board if available. A state employee wishing to obtain access to a break room outside of their own work area should obtain permission in advance before simply proceeding to a break room for hand billing or other similar purposes. Employee access will not be unreasonably denied, but some break areas may be more limited due to the need for secure or private areas.

Employee hand billing or posting on bulletin boards in break rooms should not be taken to mean the same access or use may be made of the "commons" or

“public” areas in state facilities. The general rule is employee use of common areas is on the same basis and for the same purpose as a member of the public. Hand billing, posting of personal material, electioneering and other activities is very limited and or regulated in public or common areas at facilities. For example posting on walls, doors or any other non-designated bulletin boards is prohibited.

No such memorandum can encompass all the possible factual permutations or circumstances that may arise. Within the contours of the limitations set out above, good judgment and reasonableness are the best guidance for state employees. If you have any questions or require further information or guidance, please do not hesitate to contact the Labor Relations Analyst assigned to your agency group.

cc:

Labor Relations Staff

Subject: Employee hand billing

LR Website