

I have been called to rep a member,

## NOW WHAT?

- When asked, find out the reason for the meeting, you have the right to know. Ask the administrator before the meeting, if they will not tell you, then ask again first thing when the meeting starts.
- Meet before the meeting with the employee you are repping and let them know and ask if they are aware of the incident. Do not ask for details just if they are aware. If you do not find out the purpose of the meeting until the meeting begins, tell the administrator you need time to speak with the teacher before the meeting continues and before the teacher answers any questions. (This is called a caucus.) If your request is ignored or denied instruct the employee NOT to answer any questions until the employer complies with the Weingarten obligations.
- During the interview sit next or close to employee where you can make physical and eye contact with them. Have a signal or cue either can give if: the employee is saying too much, if the employee has a question or wants to talk to you in private (caucus), if the employee needs you to clarify a question for them, if employee needs a break.
- Take as detailed notes as possible. Record time, date, place, and who all is present. Make sure to write the question asked, who asked it. (if more than one person is asking questions) Write the answer or response given to the question. You can ask for the person to slow down to accommodate you or repeat the question or response so you can record it. If you cannot hear a

person speaking, you can ask that they speak up or speak clearly so you can record what they say. If they, the administration, are not taking notes record that as well. Record any comments made by anyone in the meeting and who made them. Could be useful at later point.

- When questioning is done or meeting is over the site rep has a right to ask questions, cite extenuating circumstances that should be considered before imposing any discipline.
- Get clear information on further timelines and next steps from the district.
- If the employee is being put on paid or unpaid administrative leave, contact the president or CTA staff for the employee to obtain a CTA attorney and receive legal assistance, (Known as a GLS) Inform the employee not to answer any further questions without first speaking to the attorney. If during meeting, stop the meeting by stating that at this point the employee will no longer answer any questions and will be obtaining an attorney.
- If police are present at the meeting or administration states any police involvement, stop the meeting immediately and contact president or CTA staff to obtain the employee an attorney. (State the same as above.)
- Do not allow an employee to hand over any personal belongings without a search warrant. Districts have the right to obtain and search district property at any time.
- NEVER EVER let an employee resign!!
- After the interview or meeting-
- Discuss with the employee what their next steps should be. Might need to gather information, make a list of witnesses,

gather paperwork, emails. It might be wise NOT to have the member do some of these things.

- Repeat any timelines and request made by administration.
  - If employee needs a CTA Attorney get their name, private email, and personal cell number, to give to president or CTA Staff.
  - Follow up with a group email to employee and administration with a summary of the meeting, what was discussed, who was there, and what if any timelines or request were made, or if a follow up meeting will take place.
  - State at end of e-mail “If I have miss-interpreted, miss-represented, miss-understood, or mistaken any details in this email please let me know.”
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- Remember...

## YOU ARE NOT A POTTED PLANT!!

As a site rep you are there to be an active participant in the meeting. Do not be afraid to speak up, ask questions, be an advocate for the member.

You have EQUAL POWER!



# Site Rep's Responsibilities and Rights

- Duty of fair representation – The union representative has a legal obligation to represent ALL workers in the unit fairly and in an impartial manner without regard or bias to their union membership status, race, religion, nationality, age, sex, or sexual identification.
- It is the union representative's role to defend and protect , NOT judge or put the employee on trial.
- A site rep cannot be disciplined for their actions when you're serving as a representative, unless you are representing yourself.
- When acting in your capacity as an association representative, you are **EQUAL in power to management!!**
- A site reps' role is to serve as a witness in the meeting for the employee and protect them from employers giving a false account of the investigative meetings.
- To Stop abusive lines of questioning and to clarify confusing questions and /or answers.
- Set reps are not there to fight or derail the meeting because legally the employer is allowed to investigate allegations of wrongdoing. If there are adverse employment actions (Discipline, change in working conditions, etc.), that would be the time to fight through asking questions, having conversations, raising objections, filing grievances, filing complaints, using legal means like - unfair labor practices, filing law suites.



- Go over the do's and don'ts for the employee in the investigatory meeting.
- Don't elaborate, only answer the question that was asked.
- Do not give any details unless asked.
- Answer yes or no questions with a yes or no.
- Be honest and only speak the truth to what you know.
- If you do not know an answer or do not remember state just that.
- Do ask for a caucus to speak privately with the site rep or ask for advice.
- Do not make excuses or derogatory statements like "Everyone does it that way.", "It is not my fault.", "Someone is out to get me."
- Do stay calm. Ask for a break if you begin to feel upset or angry to regroup before going on with the meeting.
- Do take time in listening and answering the questions. If you are not sure ask to have question rephrased or give more detail into what is being asked.
- Do not lose your composure and have outburst, yell, or call people names. Employees can be disciplined for actions in a meeting.
- Do not be Insubordinate! Do what is asked unless it is unsafe, illegal, violates ed code. If violation of contract, grieve it after or file a complaint or lawsuit.





- Weingarten rights
- The right of employees to have union representation at investigatory interviews was announced by the U.S. Supreme Court in a 1975 case (*NLRB vs. Weingarten, Inc.* 420 U.S. 251, 88 LRRM 2689). These rights have become known as the Weingarten rights.
- Employees have *Weingarten* rights only during investigatory interviews. An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct.
- Interrogation Rights Statement - "If this discussion/meeting could in any way lead to my being disciplined, or effect my personal working conditions, I respectfully request that my association representative be present at the meeting. Without representation, I choose not to answer any questions."
- Make sure all members at your site have a "Weingarten Rights" card, know their rights, and personally know who the site reps are.
- Bargain Unit Members (BUM's) have the right to representation by their site rep or chapter designee during conversations with administration that could potentially lead to discipline or termination. If a union member believes the conversation with administration is disciplinary in nature they need to follow these steps:
  - Step 1: Demand Union Representation – Union member must ask for union representation before or during the interview/meeting.
  - Step 2: Refuse to proceed without union representation – An administrator must be told of the desire for representation. If administrator refuses to allow union representation, the employee needs to stay in the room but remain silent and not answer questions. After the meeting call the chapter president to let them know.
  - Step 3: Don't make any written or verbal statements of guilt or innocence. An employee cannot be forced to make a statement. The most appropriate response is to make NO STATEMENT. Claiming innocence is considered to be a statement.
  - Step 4: Do not waive the right to representation. – If an employee proceeds with questioning/meeting without representation, they have waived their right to representation and any statements made can be used against them.
  - A member CAN NOT leave the meeting and they do not have the right to choose who their site rep will be.

