

KNOW YOUR RIGHTS!

Right to Union Representation

RIGHT TO A UNION REP -- IT'S THE LAW!

The California Education Employment Relations Act (EERA) affords public school employees the right to:

- Organize a union
- Bargain collectively as a union
- Engage in union activities
- Have union representation

When do we have a right to a union rep?

We're entitled to union representation in any meeting, interview or discussion (including hallway chats!) with an administrator, supervisor, or other manager that we *reasonably believe could lead to discipline or impact the "terms and conditions" of our job.*

"Terms and conditions" is broad and includes topics like evaluations, class size, leave, transfer, and so on. Basically, when the conditions of your job could be materially impacted, you have the right to a union rep.

However, we don't have the right to a union rep when the supervisor is issuing discipline that has already been decided. (Though you do have a right to a union rep in any investigatory meeting leading up to the discipline being issued.)

Right to know the purpose of the meeting

We have the right to know the purpose of the meeting in advance in order to determine if we have the right to a



union rep. So if an administrator asks to meet with you, ask, "What's the topic of the meeting and what kind of action are you considering?" If the meeting happens without advance notice, when you arrive, ask this question. The supervisor must provide this information.

You must request a union rep!

You must request that an Association Rep (AR) be present. The administrator does not have to arrange one for you. Here are examples of what you can say:

- "I want to have a union rep, so let's schedule that meeting for when they're available."
- "Let's postpone this conversation until I have a union rep."

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Representation based on availability

The law gives you the right to bring any co-worker as your rep. However, the administrator doesn't have to wait for so-and-so to be available to attend so long as the AR (Association Rep) is available.

Right to talk to union rep prior to the meeting

You have the right to talk to your union rep before the meeting starts. If you find out the purpose of the meeting, you can use this time to prepare.

Preparation may include going over your side of the story and/or finding union contract sections that may be relevant. Don't let the administrator rush you -- take as much time as is necessary and reasonable.

If your right to a union rep is refused...

This is unlawful and an unfair labor practice. Let your union rep know so we hold the administrator who denied your rights accountable under the law.

In the meantime, you don't have the right to refuse to attend the meeting. Attend the meeting, but repeat your request for a union rep, take notes, and be aware that the law upholds your right not to answer any questions.



The role of the union rep

The union rep can:

- Ask the supervisor the purpose of the meeting
- Meet with the member in advance of the meeting
- During the meeting, ask the supervisor to clarify
- Give advice to a member during the meeting
- Confer privately with the member during the meeting
- Provide additional information during the meeting

When acting in the role of a union rep, an employee is considered under the law to be equal to the supervisor, not a subordinate. This means that the rep has the right to interrupt, disagree, and even use salty language.

SOURCE: California Educational Employment Relations Act