

Oh No! *Representing Members in Trouble*



Few things are more difficult than representing a member who may be in trouble. There are few things you must know.

THE RIGHT TO REPRESENTATION – These rights have been granted by the United States Supreme Court and Washington State Supreme Court. The CBA states if a supervisor calls a meeting for the purpose of taking any disciplinary action beyond a verbal warning, the supervisor shall inform the employee of the right to have a representative present (Weingarten Rights).

THE RIGHT TO SPECIFIC CHARGES – The employer must enunciate the charges against the employee with enough specificity so that the employee can effectively defend against and refute the charges. This is another legal right granted by the Supreme Court. Clarification must be requested if the charges are not clear enough.

THE EMPLOYEE NEED NOT RESPOND IMMEDIATELY – The employee has the legal right to enough time to examine the charges and create a defense. It is advisable in the initial meeting to LISTEN to the charges, ask clarifying questions, and ask for a meeting time when the employee can respond. If the charges are serious, UniServ representation should be contacted immediately.

THE EMPLOYEE HAS THE RIGHT TO RESPOND -- Your contract has a statement which says that no employee will be disciplined without just cause.

SUSPENSION PENDING INVESTIGATION – Under certain circumstances, the employee may be suspended with pay during an investigation. This is allowed by law and is not considered discipline in and of itself.

CONFIDENTIALITY/CONFESSIONS – The question of confidentiality must be answered. You do not have a legal exemption from being forced to divulge what you are told. Sometimes information starts to emerge that you would rather not know, and may place you in a position of having to report what is said to the police or CPS. It is *critical* that you cut off the conversation as soon as you believe this is happening. Call the Association immediately!