

The Basics of Member Representation

Is the individual entitled to union representation?

The Taylor Law guarantees the right to union representation when the employee has a reasonable belief that discipline or discharge may result from what occurs during the interview.

The law requires that the employee ask for union representation - - if the employee does not make the request, the employer is not obligated to notify the union.

Only members of the FCTA are entitled to have a union representative present during an investigatory interview, the Taylor Law does not require unions to provide this representation to non-members.

Section 5.07 of the FCTA contract provides a right to representation at a meeting for the purpose of:

- advising the employee of disciplinary action
- issuing a written reprimand
- informing the employee of suspension/discharge
- reviewing disciplinary action taken against the employee

(Since this is a contractual benefit, even non-members have a right to this representation.)

Conduct of the Meeting:

As the representative you have the right to:

- be informed by the interviewer of the subject matter of the interview
- take the member aside for a private conference
- ask for clarification of a question
- give the employee advice on how to answer a question
- provide additional information to the interviewer

As the representative you have the obligation to:

- inform the member of his/her rights
 - tenured teachers can refuse to answer questions (Cadet Rights)
 - non-tenured teachers must answer question but you should make sure that the interviewer is compelling the member's attendance at the meeting:
"is Mr. Smith being directed to answer your questions under penalty of insubordination?"
- ensure that the management representatives treat the member in a professional manner
- monitor your body language, facial features and verbiage
- maintain your composure
- end the meeting with a time frame from the employer for next steps
- follow-up with the member to answer any lingering questions or concerns