



Union 101: Know Your Rights

Napa Valley College Faculty Association

Thursday, August 9th, 2018

AGENDA

- I. Janus vs. AFSCME
- II. Grievances/HR Complaints: What's the Difference?
- III. Disciplinary Process
- VI. Student Complaints
- VII. Civil Rights Act of 1964/Title IX Complaints
- VIII. Member Benefits
- IX. Questions

JANUS VS. AFSCME

What is it?

A Supreme Court ruling that unions can no longer collect agency fees from non-members

What does it mean?

Unions must still represent non-members in collective bargaining. Unions can still reserve benefits and services that do not involve collective bargaining to members only. This includes legal services.

GRIEVANCES VS. HR COMPLAINTS

What is a grievance?

A "grievance" is a formal written allegation by a member of the bargaining unit, including the Association (NVCFA), who has been adversely affected by an alleged violation of the specific provisions of this Agreement.

The grievance process can be found on page 56 of the contract.

What is an HR complaint?

An HR complaint is a complaint filed with HR by an employee against another employee regarding improper conduct. This includes hostile work environment. If the complaint is filed by one member against another member, NVCFA cannot represent either member in this complaint.

THE DISCIPLINARY PROCESS

Progressive Discipline Process

1. Verbal Warning

2. Written notice with specification of required alternative behavior and placement of the written notice in the unit member's personnel file.

3. Suspension and/or dismissal

These steps progress for repeated violation of the same article.

THE DISCIPLINARY PROCESS

Ed Code 8773 I

No regular employee or academic employee shall be dismissed except for one or more of the following causes:

- (a) Immoral or unprofessional conduct.
- (b) Dishonesty.
- (c) Unsatisfactory performance.
- (d) Evident unfitness for service.
- (e) Physical or mental condition that makes him or her unfit to instruct or associate with students.

THE DISCIPLINARY PROCESS

Ed Code 8773 I

(f) Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the board of governors or by the governing board of the community college district employing him or her.

(g) Conviction of a felony or of any crime involving moral turpitude.

(h) Conduct specified in Section 1028 of the Government Code (member of the Communist party or any organization that advocates overthrow of the government by force or violence).

THE DISCIPLINARY PROCESS

Ed Code 87736

Whenever any academic employee of a community college district is charged with the commission of any sex offense, by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the district may immediately place the employee upon compulsory leave of absence for a period of time extending for not more than 10 days after the date of the entry of the judgment in the proceedings.

WEINGARTEN RIGHTS

If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation. When the employee makes the request for a union representative to be present, management has three options:

(1) it can stop questioning until the representation arrives.

(2) it can call off the interview or,

(3) it can tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to union representation (an option the employee should always refuse).

WEINGARTEN RIGHTS

In 1975, the United States Supreme Court in the case of NLRB v. J. Weingarten, Inc. 420 U.S. 251 (1975) upheld a National Labor Relations Board (NLRB) decision that employees have a right to union representation at investigatory interviews.

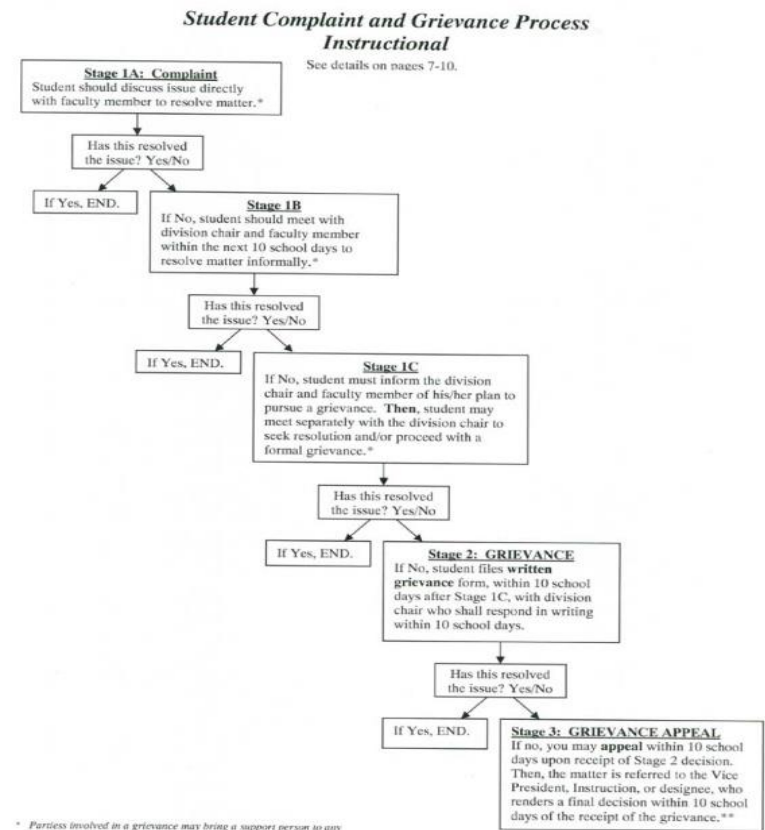
The following rules also apply:

- The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.
- If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice, and the employee may refuse to answer. The employer may not discipline the employee for such a refusal.

STUDENT COMPLAINTS

The Student Complaint and Grievance Policy and Procedures Handbook is on the NVC website.

The Process:



* Parties involved in a grievance may bring a support person to any meetings or hearings of the grievance.

** Parties involved in a grievance have the legal right to further appeal.

Referral: Any faculty member, classified staff, or administrator who receives a grievance or complaint concerning any faculty member or staff member from a student, shall refer the student immediately to the subject of the grievance, except in the cases of sexual harassment or discrimination, where the student shall be referred to the Office of Human Resources or in cases of discrimination based on a disability, to the Office of Special Services. The student may meet with the Office of Instruction for assistance and guidance in using the process.

CIVIL RIGHTS ACT OF 1964/TITLE IX EXCEPTIONS

Civil Rights Act of 1964

Outlaws discrimination based on race, color, religion, sex, or national origin.

CIVIL RIGHTS ACT OF 1964/TITLE IX EXCEPTIONS

Title IX

Prohibits sex discrimination in federally funded education programs and activities.

Expanded to include sexual harassment and sexual violence

This law also covered transgender students between the years of 2010 and 2016.

CIVIL RIGHTS ACT OF 1964/TITLE IX EXCEPTIONS

Investigation is performed by third party.

One may be contacted by mail or email by HR and/or by outside investigator

Key definitions are outlined on the HR page of the NVC website

MEMBER BENEFITS

- I. Complimentary Life Insurance
- I. Disability Insurance
- I. Group Legal Services
- I. Discounts (Click and Save)

MEMBER BENEFITS

CTA Member Benefits

www.ctamemberbenefits.org

NEA Member Benefits

www.neamb.org

QUESTIONS?

