



### **Congratulations on Tenure!**

- On behalf of CCA, congratulations were sent to the following faculty who were granted tenure at the February board meeting:
  - Antonio Alfaro, Counseling
  - Scott Dirske, Music
  - Josefa Guillen, Counseling
  - Kyungjin Menjivar, Business Administration
  - Anna Plett, Chemistry
  - Alexandria Rockey, Computer Science
  - Crystal Rodriguez, Health Information Tech.
  - Rebecka Zepeda, Biology

### **Reminder: Weingarten Rights**

- An email was sent out February 14, 2024, reminding faculty about their right to representation. A copy is included at the end of this report. Faculty who have any questions should contact a union representative.

### **Next CCA Meeting: Monday, February 26**

- All faculty are welcome to attend the open session of CCA meetings. Meetings are every other Monday from 12:45-2:45 via Zoom, with closed session occurring after open session. The Zoom link is included in the agenda sent out by your KCCD CCA Secretary, Matt Jones.
- [Approved minutes](#) are posted on the union website: [kccdcca.com](http://kccdcca.com)

Submitted by Ann Tatum (BC Campus Chair and Negotiator)  
February 14, 2024

Email sent to BC faculty (full-time and adjunct) on February 14, 2024

Good Morning Colleagues,

It's been a while, so let's take a few minutes to review one of the most important rights unionized employees enjoy: the right to union representation, also known as Weingarten Rights.

### **Why "Weingarten"?**

In 1975, the United States Supreme Court upheld the [National Labor Relations Board](#) decision in the case of *NLRB v. J. Weingarten, Inc.* This affirmed the right of employees to have union representation in meetings with management.

### **Will my supervisor let me know when I should consider representation?**

Employers have no legal obligation to remind you of your right to representation. Often organizations do choose to remind employees of this right, as our district usually does. There can be tremendous variation at the college level, however, so if your supervisor does not remind you that you can bring a representative, that does not mean a representative is not needed. The responsibility is entirely on the employee.

### **To what meetings may I bring a representative?**

You may have heard that a meeting must be disciplinary before a rep can be requested. This is not accurate. While there may be meetings where representation is not appropriate, [the NLRB's definition](#) of what meetings qualify for representation is quite broad. It is also recognized that the tone and purpose of a meeting can shift during the meeting. You may request representation at any meeting where you believe there is a reasonable chance that what you say could result in discipline. If in doubt, ask your union representatives.

### **When do I have to make this request?**

You have the right to make the request before the meeting takes place, but you may also ask for representation during a meeting should things take a turn that you did not expect. If you need to ask for a representative during a meeting, [CTA recommends language](#) like this: "If this discussion at any time could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative be present at this time." If the employer continues the meeting anyway, you do not have to answer questions.

Whenever you make the request, the employer has three options. The CTA and NLRB websites sum it up nicely:

"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).” (CTA—emphasis added)

“If the employer denies the request and continues to ask questions, this could constitute an unfair labor practice. Also, it is an unfair labor practice for an employer to discipline an employee for refusing to answer questions without their union representative present.” (NLRB)

### **What can the representative do?**

Sometimes supervisors insist that representatives cannot speak at meetings. This is not correct. Representatives may not be disruptive, nor may they encourage the employee to give false responses, but they are allowed to offer advice (including calling for breaks to caucus), ask the interviewer questions, etc. Additionally, they can serve as witness to the meeting and provide moral support.

### **Is what I discuss with a rep confidential?**

**Yes.** Both NLRB and PERB (Public Employment Relations Board) recognize the importance of privacy for employees in these cases and have ruled that employers may not pry into conversations between employees and their union representative.

Employers do have the right to investigate and discipline their employees, but you also have rights, and the right to representation is one of the strongest rights unionized employees have. Employers are not permitted to interfere with this right; however, it is your responsibility to understand and exercise this right, even when it is not comfortable.

If you have any questions about Weingarten Rights or any other union-related issues, please do not hesitate to reach out.

Sincerely,

Ann Tatum  
Professor, English  
[KCCD CCA](#) BC Campus Chair and Negotiator