Union Representation at Meetings and Weingarten Rights

Dear Colleagues:

This is another important message in PSU AAUP’s "Did you know?" series intended to inform our bargaining unit members about the many rights and benefits that you are entitled to through our collective bargaining agreement (CBA). To access a copy of the CBA, please see the link at the bottom of this email.

Did you know that you are entitled to have a representative of the PSU-AAUP accompany you to any meetings you have with the administration that might lead to disciplinary action? Or at any meeting in which you intend to discuss a complaint against a supervisor? These rights to representation at meetings were established by the Supreme Court in 1975 through the NLRB v. J. Weingarten, Inc. case and have subsequently been known as Weingarten rights.

Two types of meetings at which you can request the accompaniment of a PSU-AAUP representative are discussed in the agreement:

- Meetings that take place under the CBA Grievance Policy (Article 10). For instance, any meeting in which you submit complaints to or about a supervisor (Article 10.4.1).
- Any meeting with the administration that may lead to disciplinary action (Article 17.5). It also states that the administration must provide reasonable notice in order to arrange that meeting and that the notice should include the allegations to be discussed.

FAQ:

Q: Does it matter that I am not a member of the PSU-AAUP?
A: We, of course, encourage everyone to join the union! The more members we have, the better position we will be in to enforce our CBA and negotiate a stronger contract next time. That being said, any colleague in the bargaining unit of tenure-track professors has a right to be supported by the PSU-AAUP union, independent of membership status, and will be treated equally.

Q: Who should I contact to request a PSU-AAUP representative to come to my meeting? Who is responsible for contacting the PSU-AAUP?
A: The best point of contact is the chair of the Grievance Committee (contact information can be found on our website: https://plymouth-aaup.org/grievances/). Please note that it is always the faculty member’s responsibility to contact the PSU-AAUP to request representation; the administration will not tell the PSU-AAUP about these meetings as a matter of privacy. Weingarten rights mean that you have the right to have a union representative present, but they are not Miranda rights: the administration is not obligated to tell you about them.

Q: Who will be my PSU-AAUP representative?
A: Typically the representative will be a member of the Grievance Committee. In urgent situations, if a member of the Grievance Committee cannot be arranged, a member of the Executive Committee may be asked to serve in this role. You may request a specific member of the union leadership to be your representative, and we will do our best to accommodate.

Q: What if a representative cannot be arranged due to scheduling conflicts?
A: We have a large pool of people to draw from, so we can usually accommodate requests. However, if someone cannot be found on short notice, we will work with you to arrange a different meeting time. As the CBA specifies that you must be given a reasonable amount of notice to arrange the meeting, you cannot be forced to attend a meeting without a representative, once you have requested one.

Q: Will the items discussed at this meeting be kept confidential?
A: The PSU-AAUP will treat all inquiries and communications regarding meetings with the administration, complaints, and grievances as confidential to the extent possible, with the caveat that relevant information may be discussed with the Grievance Committee and, in certain need-to-know situations, the President of the PSU-AAUP and/or the Executive Committee. Such communication will only be done in the spirit of supporting our colleagues to the best of our abilities and with your knowledge.

Q: What is the role of the PSU-AAUP representative at this meeting?
A: It is important to understand that the PSU-AAUP representative will be a fellow faculty member, and he or she is not a lawyer. The PSU-AAUP representative is primarily there to ensure that your rights under our CBA are not violated during the meeting and any investigatory or disciplinary process that may follow. The representative may provide you advice, will be there to support you in any reasonable way he or she can, and can speak on your behalf if you wish, but he or she cannot
provide you with legal advice and will not serve in the role strictly limited to that of a lawyer.

Q: What if I want a lawyer at my meeting? Will PSU-AAUP supply one?
A: Unfortunately, the PSU-AAUP is unable to supply you with a lawyer. We do have some great resources for getting advice and having questions answered through our national organization, and we believe that the vast majority of issues can be solved without the involvement of lawyers.

Q: What if I do not want a PSU-AAUP representative at my meeting?
A: There is nothing that requires you to have a representative at a meeting, and your preference will be honored. You should note that you are able to contact the union and request representation at any point in the process, even if you did not have representation initially. However, please remember that the earlier the PSU-AAUP is involved in the process, the better we will be able to assist you.

Q: What if I decide not to have a PSU-AAUP representative at a meeting, but later change my mind and decide to involve one in the process?
A: We will support our colleagues whenever needed, independent of initial preference.

Q: Are there other types of meetings at which I can request the presence of a PSU-AAUP representative?
A: Although the CBA only specifies these two types (investigations and complaints against supervisors), there are almost certainly other types of meetings with supervisors and/or the administration at which it might be advisable to have a PSU-AAUP representative. If you have any questions at all, please contact the chair of the Grievance Committee.

Link to PSU-AAUP CBA:

For more information about PSU-AAUP: https://plymouth-aaup.org

Note: You are receiving this email as a colleague in the bargaining unit of the Plymouth State University Chapter of the American Association of University Professors (PSU-AAUP). All tenure-track faculty, who do not have a primarily administrative role,
are automatically in this bargaining unit, and as such, are covered by our collective bargaining agreement (CBA).

However, unless you have signed and submitted a membership card, you are not a member of the PSU-AAUP union. If you have questions about union membership, please contact Nick Sevigney <nsevigney@plymouth.edu> or any of the other members of the Executive Committee. If you would like to join your union, complete the Membership and Dues Authorization form at the link below, and send a hard copy to Nick Sevigney, MSC 21: