



NEWARK UNIFIED SCHOOL DISTRICT

Human Resources Department

Employee Right to Representation

GENERAL STATEMENT

There are times when an employee *should* have representation when meeting with management, and there are times when an employee *wants* to have representative when meeting with management. **In either case NUSD will accommodate representation for the employee.**

The following is a summary of two decisions that are often quoted in establishing the Right to Representation.

WEINGARTEN:

Under Weingarten, employees have the right to representation in investigatory meetings with a supervisor which the employee reasonably believes under objective standards might lead to discipline or may affect job status. Investigatory meetings involve meetings where a supervisor ask questions of the employee which are designated to solicit information that could be used in a subsequent disciplinary action.

REDWOODS:

Under Redwoods, employees also have a right to representation in non-disciplinary investigatory situations presenting “highly unusual circumstances,” such as an evaluation review where the meeting was “investigatory and relatively formal” and was conducted in an “atmosphere {that} was intimidating.”

MANAGEMENT PERSPECTIVE:

The employee does not have the right to bring a union representative to meetings called by management involving direction of the workforce.