

CAUSE ADVISORY: Open Letter

to Superintendent Rigby & Human Resource Director Zapata
Topic: District Prevents Employees from Accessing
Their Rights During Investigatory/Disciplinary Meetings

Dear, Superintendent Rigby & Human Resource Director Zapata:

Union Leadership has been advised that the CUSD Superintendent and the Human Resource Director have called for several District disciplinary investigations in the last 24 hours.

Of significant concern, Union Leadership has also confirmed that select employees have been told that Union representation has been secured for upcoming investigatory meetings, **when in fact, that is not true.** As you are aware, such misleading statements are unlawful, especially in cases like these; when the CUSD has neither been contacted Union Leadership or confirmed valid representation Union Leadership.

As you also know, under WEINGARTEN **the District is not permitted to select the Union representative for investigations or meetings that could result in disciplinary action.** Only the Union may determine the shape of representation and select Union representatives for these purposes.

Therefore, you are to cease and desist from engaging in these violations and deceptive behaviors.

In the future, whenever there is...

(A) an investigatory meeting scheduled

...OR...

(B) when a meeting has the potential to result in future disciplinary action

... you may contact myself, j. Hotchner, directly.

Moving forward, I will continue to personally coordinate the Union's representational obligations related to any future events like those cited above. Once our members confirm their desire for representation, or whenever the District chooses to notify CAUSE of a potential need for representation, I will work with District Leadership to ensure that representatives are available in a timely manner.

If our members are directed into a meeting where the topics could lead to any form of discipline, or if they are simply uncomfortable with the direction of a meeting or conversation, they are entitled to request / demand representation. Similarly, the District has the obligation to work with Union Leadership to provide employees their entitled rights.

Although in such cases, District employees simply need to verbally inform District Leadership of their request / demand for representation, CAUSE leadership strongly encourages employees to put that request in writing (*i.e. for the purposes of documenting said request.*) Depending on the District's response, the employee may be compelled to repeat this request several times. If the District refuses representation, or if the District tries to select the representative itself, employees are entitled to contact CAUSE Leadership directly & simply repeat their request until the District responds appropriately.

As a courtesy, I have attached a summary of the legal provisions governing these rights (known as **WEINGARTEN RIGHTS**).

Respectfully,

~ j. Hotchner * CAUSE President

*** C.A.U.S.E. - Yes We Can ! ***