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Cabrillo Classified Employees Union (CCEU)

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BOARD OF DIRECTORS

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Dear Worker,

The document that follows this letter outlines the CCEU formal Representation Policy. However, there are non-contractual issues that your union can help you find solutions for.

Do you need help? Do you need a *Union Steward*? To determine what kind of help you need, ask yourself "In my situation, has there been a contract violation?" If the answer is "yes," then contact a steward. If you are unsure, then read your contract and contact a steward for interpretation. But if the answer is "no," and you still feel like you need support in your workplace, CCEU can often provide you that support.

The Cabrillo Classified Union has an extensive and positive history of providing ongoing non-contractual guidance and advice to all workers beyond what we are obligated to provide under the legal mandates of duty of fair representation. We have provided this service to workers who are: having difficulty in the workplace, facing a personal situation that poses challenges in the workplace or having trouble navigating through the "Cabrillo Way." This is a fundamental and valued part of our history, and as CCEU we are committed to continuing this vitally critical tradition.

So, there's no contract violation but you are feeling vulnerable and exposed; you need help to understand your rights, a past practice, a campus process. You can ask CCEU for a *CCEU* guide... usher... guardian... advocate... steward to pilot you through troubled waters. We will do our level best to provide you with well-informed advice to guide you through whatever you're going through.

Some examples of informal advocacy and assistance:

- You need help to navigate a college process:
 - You want to laterally transfer
 - You are applying for a job in a higher class
 - You are going through the classification study process
- You are having a difficult time with another co-worker or your manager
- You are on an extended illness leave and need help to navigate the system and understand your rights.
- You need contract interpretation
- You need assistance requesting your professional growth
- You're confused about a workers comp case
- You're concerned about your performance evaluation

The upshot is that we are here for you. If you're having a problem and need some advice please don't hesitate to pick-up the phone. We are your union dues at work.

In Service,
CCEU Board of Directors

Cabrillo Classified Employees Union Representation Policy

Representation is the means by which the Cabrillo Classified Employees Union (CCEU) makes its resources available to its members. It is the union's goal to ensure a fair, full review of any infringement upon the rights of an employee, or group of employees, represented by the union regarding their wages, hours of work, or other conditions of employment as described in either the collective bargaining agreement (contract) between the union and District, the Educational Employment Relations Act commencing with Section 3540 of the Government Code (EERA), or other laws of the state of California that apply to classified school employees in a community college district. Members of CCEU shall be subject to the following conditions of representation:

1. Duty of Fair Representation

The union provides fair representation to the members by means of a representative appointed by the union in good faith. That representation shall fall within the limitations set forth in this policy for all employees in the union bargaining unit, and in all employment related matters, subject to the following:

- a. Representation shall not be provided by the union for matters resulting from events occurring prior to the date of union membership, or to becoming a member of the union bargaining unit, whichever comes first.
- b. The union is not obligated to file every grievance on behalf of an employee, or group of employees, and is not obligated to take all grievances that are filed to arbitration.
- c. Legal representation shall not be provided for Worker Compensation issues.
- d. The union has the right to make fair and impartial decisions regarding the merits of all requests for representation, including but not limited to:
 - (1) Undertaking representation
 - (2) Discontinuing representation
 - (3) Recommending that a matter be settled prior to exhaustion of the applicable administrative procedure
 - (4) Refusing to continue representation in the event that the union's recommendation to settle the matter is not satisfactory to the employee(s) involved

Adopted: July 12, 2007

Cabrillo Classified Employees Union Representation Policy

(5) Seeking judicial relief and redress for a particular matter in addition to, or in lieu of, representation through any or all of the available administrative procedures

(6) Discontinuing its representation in judicial proceedings at any point prior to their exhaustion

2. Types of Representation

- a. Representation services consist of advice, counsel, and assistance rendered by persons authorized by the Board of Directors. These services may include investigation, negotiation and settlement of issues, as well as appearance before administrative, judicial or legislative tribunals.
- b. Indemnity consists of money payment in reimbursement of either a portion or all of actual and necessary representational costs by the employee(s) being represented. However, the union will not indemnify anyone for costs or expenses incurred without prior written authorization by the union President, pursuant to prior official action authorizing such indemnification by the union Board of Directors.
- c. The union does not provide representation before licensing or examining boards.
- d. The union does not provide representation in any matter not expressly related to employment with the District in the union bargaining unit.

3. Requests for Representation

All requests for union representation shall be accompanied by a standard representation form, to be provided by the union, which is completed, signed, and dated by the employee(s) requesting union representation, and which:

- a. Acknowledges that the Grievance Committee may review the case for merit before any representation is undertaken.
- b. Acknowledges that no representation in an arbitration hearing or court of law will be undertaken unless approved in advance by official action of the union Board of Directors, and authorized in writing thereby.

Cabrillo Classified Employees Union Representation Policy

- c. Authorizes full disclosure of information concerning the case to the Board of Directors of the union in the event an appeal is taken to such body.
- d. Acknowledges that the union will be the exclusive representative of the employee(s) in the case, and that, if any other representation is retained, the union may, at its sole and exclusive discretion, thereby be relieved of any representation obligation pertaining to the case.
- e. The union representative for the case may refer the case to the Board of Directors of the union, to determine whether or not representation is to be afforded prior to taking any further action (other than filing an appeal to preserve the employee's appeal rights). Those matters for which representation is granted shall receive the appropriate union representative for actions in accordance with the decision of the Board of Directors.
- f. A record of all requests for representation shall be maintained by the union in its official files. Such records shall be adequate and sufficiently complete so as to advise the Board of Directors of the name of the employee(s) making the request for representation, the nature of the request, the date upon which the request was received, and the disposition of the request.

4. Arbitration of Grievances

Arbitration of grievances is not automatically afforded to members, and will only be provided in those cases determined by the Grievance Committee to have merit.

5. Representation by the Union in Legal Issues

Union representation in a court of law is not automatically afforded to members, and will only be provided in those cases determined by the Grievance Committee to have merit.

6. Limitations of Representation

The right of the member to be represented by the union is subject to the financial ability of the union to pay, and is also subject to such specific limitations as may be imposed by the union. It is further subject to a formal request for representation from the employee(s) seeking union representation, and subject to a review of the matter for which the employee(s) seek representation in order to determine whether or not the matter has merit.

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Cabrillo Classified Employees Union Representation Policy

7. Denial of Representation

It is the policy of the union to deny representation in the following situations:

- a. Disciplinary action arising from unapproved job actions and concerted activity.
- b. When such representation would conflict with the best interests of the union, or would require the union to take a position in any manner inconsistent with the established positions and policies of the union.
- c. When such representation would result in a conflict of interest for the union representative. Indemnity for representation costs may be authorized pursuant to this policy if prior approval is obtained from the union.
- d. When the member's issue appears to lack factual or legal merit.
- e. When the union determines that the employee(s) requesting representation have another representative for the same matter.

8. Review of Decision

The representation appeals committee of the union shall consist of the Board of Directors. The Board shall review each case where representation has been denied, and such review shall occur in a timely manner. The Board will issue a written decision on the matter to the employee(s) directly involved, and to the union representative who initially denied representation.