

Duty of Fair Representation

"The employee organization recognized or certified as the exclusive representative for the purpose of meeting and negotiating shall fairly represent each and every employee in the appropriate unit." Government Code 3544.9

Members deserve and pay dues to be protected, not tried by their organization. They deserve an advocate. Self assured, confident employees, not cautious toadies build a healthy organization. Inquisitions by self appointed guardians of professionalism assure the dominance of sycophants and incompetents.

Management can take care of itself. When the Association takes on Management's role it does so at the peril of its members. Only employees can file a grievance, management cannot. Management has the inherent power to obligate. Employees however, thanks to collective bargaining, have the right to complain, file a grievance and, if no settlement is reached, go to arbitration for relief. Confusing the roles stifles employee rights and causes wounds to fester and if left long enough kill the organization.

GENERAL DUTY OF FAIR REPRESENTATION

Application of the general duty of fair representation to specific situations has resulted in the development of the following specific duties that a union owes to all unit employees:

1. Duty to represent all unit employees.
2. Duty to negotiate on behalf of all unit employees and consider non-joiner views concerning negotiations.
3. Duty to be familiar with the contract.
4. Duty to advise unit employees of their legal rights in the context of the contract.
5. Duty to process grievance in a non-arbitrary, non-discriminatory and good faith manner.
6. Duty to investigate grievances.
7. Duty to satisfy contractual time limits.
8. Duty to notify a Grievant of union decisions.
9. Duty to present a good arbitration case.
10. Duty to allow a Grievant to have his/her attorney present at arbitration proceedings.

ASSOCIATIONS ROLE

The role of the Association is to train its representatives to listen to the complaint of unit members, devise a "best" strategy for securing his/her interest, and set about securing it. The truth and/or value of the person's complaint will come out during this grievance process.

To initiate grievances properly and settle them at the lowest possible level, it is necessary for the Association Representatives to become the first line of defense for the employee.