



## SEIU LOCAL 1000 – FAQs – NEW REPRESENTATION POLICY

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SEIU Local 1000 provides member representation in contract violations, disciplinary appeals, AWOL cases, as well as other statutory appeals to the State Personnel Board and CalHR. The Union will follow its Representation Policy, including a case review process which is available on its website.

In contrast, SEIU Local 1000 provides nonmember representation in only those areas **required by law**. This is generally considered **contractual representation**, such as grievances and arbitration.

SEIU Local 1000 will now **only** assist nonmembers with issues related to violations of the contract (MOU). All other matters are “**non-contractual**” or outside the contract.

Concerning nonmember representation:

- Union representation will not be provided in non-contractual appeals such as SPB (discipline, rejection, merit appeals, reasonable accommodation, etc) or CalHR (AWOL etc).
- Union representation may be provided in an initial investigatory interview. However, if there are follow-up investigatory interview(s), a nonmember will not receive Union representation unless he/she joins at the time of the first interview.<sup>1</sup>
- Union representation may be provided in one internal RA/EEO meeting or complaint. However, if there are follow-up non-contractual processes or appeals, a nonmember will not receive Union representation unless he/she joins at the time of the one internal meeting or complaint.<sup>1</sup>
- The Union Representation Policy that limits non-contractual representation to events occurring **after** the employee chooses to be a member. If an action relates to **matters prior to joining**, the Union will not provide representation. Under this policy:
  - A nonmember may join the Union during the investigatory/internal process and be eligible to receive representation in the non-contractual matter.
  - However, if his/her department issues a disciplinary action where no investigatory meeting is held, it will be considered **too late to join** and receive representation.
  - A nonmember should get a disclosure form when receiving information about this representation policy.
- Members must continue membership during the entire course of the non-contractual representation which may take several months or longer. If membership is dropped, representation in their case will end.

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<sup>1</sup> A nonmember will only receive coverage for a single instance of non-contractual representation during their entire career in state employment.

## **SEIU Local 1000 Representation Policy**

(The full policy is available at [www.seiu1000.org/resource-center](http://www.seiu1000.org/resource-center))

### 13.0.01 Representation Rights and Limitations

(a) Local 1000 will provide representation, within the limitations set forth in this Policy File, to state/represented employees based upon their status as follows:

(1) Members within a bargaining unit for which Local 1000 is the exclusive agent, have the full right to good faith representation without charge in any employment-related matter.

(2) Members of affiliate organizations have such rights to representation as set forth in their affiliation agreement with Local 1000 as permitted by law.

(3) Nonmembers, only to the extent such representation is required by law

(b) Local 1000 has the right to make fair and impartial decisions as to the merits of a particular request for representation including, but not limited to decisions:

(1) Whether to undertake representation;

(2) Whether to discontinue representation at any time;

(3) Whether to recommend that a matter be settled prior to exhaustion of the applicable administrative procedures;

(4) Whether to refuse to continue representation in the event that its recommendation of settlement is not satisfactory to the employee;

(5) Whether to seek 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; and

(6) Whether to discontinue its representation in judicial proceedings at any point prior to their exhaustion.

(c) Representation will not be provided to members in matters resulting from events which occurred prior to the date of their application for membership, their employment in state service, or employment for which Local 1000 is the exclusive representative, unless required by law.

(d) Representation in court is not automatically afforded. If representation is denied, such denial may be appealed to the Local 1000 President.