

PERSONNEL DEPARTMENT POLICY
San Luis Obispo County

Topic: Union Representation – Employee’s Right To	
Subject: Workplace Safety/Employee Rights	Revised: August 2004
CSC Rule: n/a	Approval: _____
Location: P:\PERSONNEL DEPT. POLICIES - 2004\Final Policies 2004\WORKPLACE SAFETY EMPLOYEE RIGHTS\Union Representation - Employee's Right to.doc	Date: _____
	Note: Original signed copy on file in Personnel Department.

Department heads and supervisors are frequently required to meet with employees within their respective department or departmental unit in order to discuss that employee's work performance, his annual evaluation, or for some other reason. When a supervisor requests an employee to meet with him, it may occur that the employee will ask (or demand) that his union representative be also present at the meeting. What should the supervisor do when such a request is made?

1. A county employee is legally entitled to have a union representative present at a meeting with his supervisor or department head whenever the basic purpose of the meeting is either to discuss the employee's union- related activities, or is designed to obtain facts to support disciplinary action that is probable or that is being seriously considered. Thus, in these situations, if the employee requests to have his union representative present at the meeting, the supervisor must honor that request and can neither convene the meeting without the representative present, nor in any way discipline the employee for making such a request.
2. A County employee is not legally entitled to have a union representative present during an ordinary discussion with his supervisor concerning employment matters that arise in the normal course of work. For example, this would normally include the required annual performance evaluation review.
3. A supervisor may, of course, allow an employee to have a union representative present at any meeting the supervisor has with the employee. This is a discretionary decision for each supervisor to make in accordance with his own departmental policy.
4. If department heads and supervisors have any question as to when an employee does have the right to have a union representative present at a meeting with his supervisor or department head, they should contact the County Counsel's office prior to taking any action that could be interpreted as violating an employee's right to union representation.