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# FAMUUFF Newsletter

Issue 1

The Florida A&M University Chapter of the United Faculty of Florida  
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## Weingarten Rule

An important rule governing collective bargaining is the right to representation during meetings with administration. The "Rule" was established in the United States Supreme Court decision, *NLRB v. J. Weingarten, Inc.*, U.S. 251 (1975), otherwise known as an employee's "Weingarten rights," similar to one's Miranda rights.

Succinctly stated, the Supreme Court decided that an employee has the right to request union representation in an interview from which discipline may follow. With certain exceptions, the Court concluded that an employee may refuse to submit to such an interview if union representation is denied, so long as the employee reasonably fears that the interview will result in disciplinary action. FAMU-UFF members needing representation should contact either the president or grievance chair.

Florida's Public Employees Relations Commission in *Seitz v. Duval School Board*, 4 FPER 4154 (1978) ruled that Weingarten applies in Florida to public employees. In *Orange County CTA v. School Board*, (1978) the Commission addressed Weingarten more specifically. The Commission stated that the employee's right under Weingarten cannot be made to depend upon the label his employer chooses to attach to a particular meeting; whether the employer chooses to call a conference an evaluation, investigatory or disciplinary interview is wholly immaterial. If an employee has a reasonable belief, based upon factual circumstances, that disciplinary action may result from an interview, he has a right to be represented at that interview. Thus, the United States Supreme Court and the Florida Public Employees Relations Commission clearly provide that a member has the right to such representation and that an employer's refusal to allow such representation is in violation of the law.

Florida's collective bargaining law for public employees has a very unique provision regarding the union's obligation to represent employees in meetings that may result in disciplinary action. Florida Statutes Chapter 447 does not require a union to provide representation to employees who are not union members. Effective immediately, FAMU-UFF will not provide representation to faculty who are not dues-paying members of UFF. Faculty who are not FAMU-UFF members, who find themselves in need of representation for disciplinary reasons or an alleged violation of the collective bargaining agreement, must provide their own legal counsel or other assistance. FAMU-UFF retains the right to monitor any grievances filed by non-members to ensure that any settlements between an individual faculty member and the administration comply with the collective bargaining agreement. FAMU-UFF also retains the sole right to determine whether to invoke arbitration in any grievance filed by either a member or non-member.

The cost of FAMU-UFF dues are one percent of your regular salary. Attorney's fees for arbitration will cost around \$10,000, exclusive of the arbitrator's fees of \$3,000 to \$5,000. Clearly, membership pays.

## Membership has its privileges

The words "collective bargaining" isn't likely to spark interest to some faculty members, but collective bargaining is an important process to determine the terms and conditions of our employment. FAMU UFF is a professional organization of, by, and for our faculty. It is a democratic, member-supported, volunteer powered voice for faculty at FAMU. FAMU UFF is your bargaining agent for salary, benefits, academic freedom, tenure, promotion, due process, sabbaticals, etc

FAMU UFF seeks to make progress this year, but needs your membership as we go into collective bargaining to negotiate for salaries that motivate and retain good faculty, competitive benefits, fairness in assignments, faculty autonomy, shared governance, and academic freedom.

Many faculty members recognize that effective faculty voice is only possible with tangible support, i.e., membership. New faculty, and continuing faculty, benefit from our contract's protections on salary, benefits, promotion, tenure, academic freedom, shared governance, assignments, evaluations, leave, sabbaticals, etc. FAMU UFF members-only benefits, including free \$1M professional liability coverage, insurance discounts, free legal representation, and grievance representation. It also provides networking with colleagues from all over FAMU, links to faculty statewide and nationally, other communities of interest and tax-deductible dues. Most importantly, membership ensures effective faculty voice on matters that matter to faculty. **Join today.**

