



Tampa Letter Carrier

Volume 4 - Issue 8

A.R. "Tony" Huerta NALC Branch 599

Tampa, Florida

August 2005

President's Report

by Jim Good

President - Branch 599

Forced Overtime

It's been a while since I've spoken to you about the issue of "forced overtime", but now that the peak vacation period is upon us and we are extremely short staffed, more and more carriers are being forced to work overtime even though they may not be on the Overtime Desired List.

Many carriers want to work overtime and have made their choice known by signing either the ten or twelve hour ODL. In most cases management must work these carriers overtime prior to working someone overtime that has not signed the ODL.

Some carriers want to work overtime only on their own assignments, and only on their regular scheduled days. That is the purpose of the Work Assignment list. When it is necessary for management to work carriers, who have signed the WA list, off of their assignment or on their non-scheduled day they are treated exactly the same as carriers who have not signed any overtime list.

Now to the issue of forced overtime. In 1984 the NALC and the USPS negotiated a memorandum know as *the letter carrier paragraph*. This states, in part,

that when management determines that overtime or auxiliary assistance is needed on an employee's own route on his/her regularly scheduled day and he/she is not on the ODL, management will seek to use auxiliary assistance rather than requiring the carrier to work overtime. This means that they must use casuals, part-time flexibles on straight time or overtime, reserve or unassigned regulars at the straight time rate, or full-time carriers on the ODL at the regular overtime rate before they can force these non-ODL carriers to work overtime. They do not have to use full-time regulars at the penalty overtime rate.

Another way that management can force carriers not on the ODL to work overtime is found in Article 8.5.D of the National Agreement. If the ODL "does not provide sufficient qualified people, qualified employees not on the list may be required to work overtime on a rotating basis with the first opportunity assigned to the junior employee". This provision lets management go off of the ODL and force non-ODL carriers to work overtime on a rotating basis, starting with the junior carrier at the beginning of the calendar quarter. If you have any questions or concerns regarding these issues, ask to see your shop steward.

Now for what is happening in Tampa regarding forced overtime. In the past when a letter carrier retired management waited until their bid position was filled, and then the position of the carrier bidding on that position was filled,

until eventually this resulted in a position that no one bid on causing a PTF to be converted to regular and a new carrier hired. This has reduced the number of carriers to a level that makes it impossible to deliver the mail using only the carriers who have chosen to work voluntary overtime. Because of this reduced workforce, management, at the station level, often has no choice but to force all carriers to work overtime.

When our new postmaster came into office she changed the way things were being done. Now when a carrier retires a request is immediately made to replace that carrier rather than waiting until his/her retirement results in a residual vacancy. This will solve the problem over a period of time, but I'm afraid that it will be quite a while before Tampa is properly staffed so that the mail can be delivered without forcing carriers not on the overtime list to occasionally work overtime. Until then your shop stewards will be tasked with policing the National Agreement to ensure management is handling the issue of forced overtime properly and contractually.



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Branch Meeting
Thursday
August 4, 2005
7:30 PM

Branch 599 Officers

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VICE-PRESIDENT	Gilbert Cabanas	(813) 855-0516, cell 597-7396
RECORDING SECRETARY	Cheryl Clothier	(727) 385-7337
FINANCIAL SECRETARY	Tony Diaz	(813) 598-9635
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TRUSTEE	Terry Franklin	(813) 657-9690
SERGEANT-AT-ARMS	J.C. Howard	(813) 621-1976
MBA / NSBA	Albert Guice	(813) 621-7931
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DIRECTOR OF RETIREES	Jack Newman	(813) 805-2942
LABOR - MANAGEMENT	Michael Stewart	(813) 310-1292
LABOR - MANAGEMENT	Brian Obst	(727) 507-0135
MAPS COORDINATOR	Chris Albrecht	(727) 791-7162

Presidents Emeritus

Michael Anderson	Orbe Andux
James Butler	Milton McConnell
Don Thomas	Garland Tickle
Lenin Perez	

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Branch 599 Shop Stewards

Brandon	33510	Terry Franklin	(813) 657-9690
Brandon	33511	Miroslaw Oldziej	(813) 661-1636
Carrollwood	33618	Freddie Nimphius	(813) 968-7491
Commerce	33602	Dook Ramotar Sr.	(813) 780-6254
Forest Hills	33612	Warren Sumlin	(813) 486-7612
Forest Hills Annex	33613	Eddie Alvarez	(813) 892-6553
Hilldale	33614	Gilbert Cabanas	(813) 855-0516
Hilldale Annex	33634	Lance Jones	(813) 220-1292
Hyde Park	33606	George McEndree	(813) 935-0244
Interbay	33611	Dean Minter	(813) 767-6538
Interbay	33629	Jim Knotz	(813) 832-6644
MacDill	33608	Jim Knotz	(813) 832-6644
Palm River	33619	J.C. Howard	(813) 621-1976
Plant City	33565	Misty Bauer	(813) 681-6890
Port Tampa	33616	Dean Minter	(813) 767-6538
Produce	33610	Eric Fleming	(813) 310-8274
Ruskin / Sun City Center	33570	Jack Hencoski	(813) 633-5422
Seminole Heights	33603	Tony Diaz	(813) 872-1542
Sulphur Springs	33604	Matt Kokich	(813) 431-3686
Tampa Carrier Annex	33607	Ken Lee	(940) 368-4771
Tampa Carrier Annex	33609	Pedro Jiminez	(813) 727-9280
Temple Terrace	33617	Mike Anderson	(813) 681-5688
Town & Country	33615	Brian Obst	(727) 507-0135
Ybor City	33605	Detlev Aepfel	(813) 505-7914

TAMPA RETIREES BREAKFAST

First Monday of Every Month

9:00 AM at

The Coffee Cup

4407 N. Hubert

in Drew Park

BRANDON RETIREES BREAKFAST

Second Tuesday of every month

8:00 AM at

Buddy Freddy's

134 Gornto Lake Rd S.

in Brandon

The National Association of Letter Carriers Branch 599, 3003 W. Cypress Street, Tampa, FL 33609-1617, publishes The Tampa Letter Carrier monthly. The opinions expressed in this publication are those of the writers, and do not necessarily reflect the opinions of Branch 599. It is the policy of this publication that all articles submitted for publication must be signed by the writer. All articles are subject to editing and revision at the discretion of the publisher & editor. Please submit articles to the branch office no later than the tenth of the month. Submit articles as .txt, .doc or .wpd documents attached to email sent to: newsletter@nalc599.com

Jim Good - Publisher

Kit Kelley - Editor

Executive Vice-President's Report

The Game At Hand

Do you know your *Weingarten Rights* and why they are important? To most of us this is a rhetorical question. Of course letter carriers know about these rights and the importance of invoking them as needed. Only inexperienced letter carriers and new hires would be uninformed on the subject of *Weingarten Rights*, right? Unfortunately this is not the case.

Recently two seasoned letter carriers submitted to interviews by Postal Inspectors without exercising their rights to union representation. As a result one carrier is out on "Emergency Placement" without pay and in the matter of the second carrier, the outcome is pending.

Weingarten Rights are a part of Federal labor law which gives employees the right to representation in any investigatory interview that the employee reasonably believes may lead to discipline. An investigatory interview is when management is searching for facts in an attempt to determine an employee's guilt or to decide whether or not to impose discipline. If you reasonably believe that an investigatory interview could lead to discipline, you are entitled to union representation.

Management and Postal Inspectors are not required to inform you of your rights to representation. The union steward cannot exercise *Weingarten Rights* on your behalf. You must make the request for union representation yourself. In addition to having representation during the interview, the *Weingarten* rule also gives you the right to a pre-interview consul-

tation with a steward. The right to pre-meeting consultation also applies to Postal Inspection interrogations. The steward will make notes of the actual questions and record the answers you give. The *Weingarten* rule allows the steward to assist you during the interview. If a question is confusing or if you are not sure about your answer, you may consult with the steward. It would be a violation of your rights if management attempted to restrict the steward's right to speak, or if management tried to force the steward to be a passive observer only. The *Weingarten* rule does not apply to *Official Discussions* since they are not discipline and are not grievable. You also do not have a right to union representation during fitness-for-duty exams.

There has not been a flood of carriers signing up for automatic *COLCPE* contributions. It has been more like a trickle. The time has come for all carriers to get off of their *wallets and sign up for automatic COLCPE* contributions. All of our livelihoods and futures are at stake, whether you are a PTF, a Full Time Regular, a CSRS Retiree, or a FERS Retiree. It is absolutely essential that the *COLCPE* fund has a regular, predictable income from the membership so that resources can be budgeted wisely and plans can be made.

President Bill Young has made it clear that he does not want sporadic contributions to *COLCPE*. He wants a steady, predictable stream of contributions. At the last State Convention there was no *COLCPE* raffle fund raiser like there always was in the past. This time the emphasis was on making every member understand the need for automatic contribution and to take that back

by Detlev Aepfel

Executive Vice-President - Branch 599

to the branches and educate the membership.

We still do a *COLCPE 50/50* during our branch meetings and I think that is a good thing because it gives the members a little bonus incentive to attend. Maybe you will win a few bucks! If you do win, take the money. If you are not an automatic contributor, it must be because you can not afford to give a dollar a week and you probably need the money. If you are an automatic contributor, you are already doing your part to save our futures and you deserve a treat. Some members have expressed discomfort with the idea of signing up for automatic contributions. I don't get it. How uncomfortable will these members be when their pay and benefits are slashed or their retirements reduced?

Lobbying congress is the game at hand to protect ourselves and our families and to save the USPS. If we are unwilling to play that game, then we are like the fellow in the old joke that brings a knife to a gun fight. The time has come for all letter carriers to play to win.

In solidarity...



Health and Welfare

Sister of Paul Falica, Sulphur Springs carrier, passed away.

The mother of Mike Fichtner, Plant City carrier, passed away.

Charles McGaughey, retiree, passed away

TLC, Inc. Board of Directors Meeting Summary

The 6/28/05 meeting was called to order by Chairman Obst at 7:00 pm. The reading of the previous meeting was accepted as read. Financial report by John Gebo, Building Manager's report by Jack Newman. Two chairs were purchased for the stage and a file cabinet for the front office. Bingo receipts have been improving. A motion was made and passed to make a donation to Praise Cathedral Church. Chairman Obst went over the newly signed lease between TLC and Natures Harvest for use of our property for parking. The amount has increased from \$350.00 per month to \$500.00 per month. A motion was made and passed to deposit that money directly into the convention fund. A motion was made and passed to lease a newer model copier/printer for the office since the original lease has expired. The meeting was adjourned at 8:30 pm.

Jim Good, Secretary, TLC, Inc.

Insurance

by Al Guice

MBA / NSBA Representative - Branch 599

INSURANCE! Be it car, house, or health, it's a must. As employees of the U.S. Postal Service, we have health and life, but what about the children after age 22? See me, Big Al about insurance for children, grandchildren and parents. We can help!

What about IRA's? Yes, we have those also. As an officer, my phone number is in every newsletter issue. If you need me for any insurance needs, feel free to call any time. My number is 813-621-7931.

Thanking you in advance,

Big Al

MBA / NSBA Representative

July Meetings:

Tues 7-26-05 - TLC Board of Directors Meeting
Union Hall, 7:00 PM

Thur 7-28-05 - Executive Board Meeting
Union Hall, 7:00 PM

August Meetings:

Tues 8-2-05 - Shop Stewards Meeting
Union Hall, 7:00 PM

Thur 8-4-05 - Branch Meeting
Union Hall, 7:30 PM

Tues 8-23-05 - TLC Board Of Directors Meeting
Union Hall, 7:00 PM

Thur 8-25-05 - Executive Board Meeting
Union Hall, 7:00 PM

Bylaw Changes and Amendments *(from page 5)*

Article III

Meetings

Section 7:

Now reads as follows:

The following Branch Officers, President, Executive Vice President, Vice President, Recording Secretary, Financial Secretary, Treasurer, Sergeant-At-Arms and all Station Stewards will no longer receive the previous compensatory pay or cash outlays of moneys for attending monthly meetings. The remaining Branch Officers, MBA-NSBA Representative, Health Benefits Representative, Director of Retirees and the three man/woman Board of Trustees will receive the previous compensatory pay or cash outlays of moneys.

Section 7:

Proposed to read as follows:

All officers of A.R. 'Tony' Huerta Branch 599, AFL-CIO, will no longer receive compensatory pay or cash outlays of moneys for attending monthly meetings.

Bylaw Changes and Amendments

By-Laws Changes and Amendments

Article VI

Duties of Officers

Duties of MBA-NSBA Representative

Change Section 8 to read Section 8(A)

Article VI

Duties of Officers

Duties of MBA-NSBA Representative

Add Section 8 (B) to read as follows:

For the faithful fulfilling of his/her duties to A.R. 'Tony' Huerta Branch 599 AFL-CIO, the MBA-NSBA Representative shall receive \$50.00 per month for allowed expenses.

Article VI

Duties of Officers

Duties of Health Benefits Representative

Change Section 9 to read as Section 9 (A)

Article VI

Duties of Officers

Duties of Health Benefits Representative

Add Section 9 (B) to read as follows:

For the faithful fulfilling of his/her duties to A.R. 'Tony' Huerta Branch 599 AFL-CIO, the Health Benefits Representative shall receive \$25.00 per month for allowed expenses.

Article VI

Duties of Officers

Duties of Director of Retirees

Change Section 10 to read as Section 10 (A)

Article VI

Duties of Officers

Duties of Director of Retirees

Add Section 10 (B) to read as follows:

For the faithful fulfilling of his/her duties, the Director of Retirees shall receive \$25.00 per month for allowed expenses.

Article VI

Duties of Officers

Duties of Trustees

Change Section 11 to read as Section 11 (A)

Article VI

Duties of Officers

Duties of Trustees

Add Section 11 (B) to read as follows:

For the faithful fulfilling of his/her duties, the three (3) Trustees shall each receive \$40.00 per month for allowed expenses.

Article VI

Duties of Officers

Additional Duties

Change Section 12 to read as Section 13.

Article VI

Duties of Officers

Duties of Labor Management Representatives

Add Section 12 to read as follows:

For the faithful fulfilling of his/her duties, the two (2) Labor Management Representatives shall each receive \$25.00 per month for allowed expenses.

(continued on page 4)

Around The Horn

by Tony Diaz

Financial Secretary - Branch 599

Leave Caps and COLCPE

Brothers and Sisters, I regret not having my article published last month, however with the State Convention I could not make the cut off date for publication.

Since I last wrote, I have the results on both of the grievances I filed, one at the formal level and the other an arbitration decision. The arbitration award was very important and will affect all stations and branches at one point or another. To refresh your memory, this case involved an employee in an LWOP status being counted against a stations annual leave quota.

At my station, Seminole Heights, the negotiated annual leave quota or cap is only four and at one time we had three employees being counted against this cap. That's right. We only had one available opening for someone to apply for annual leave so I took this grievance and found I had a solid case.

My arguments were: (1) a review of the Local Memorandum in article 9 does not provide either OWCP or LWOP destinations to be included when determining the percentage off for annual leave. Management has decided to count these employees without any negotiations on the matter. (2) Two arbitrator's rulings are contradicting of each other but very useful in this case.

I am very proud to announce that through hard work and preparation this ruling by arbitrator Kathryn Durham was in our favor. Her finding was that the Local Memorandum of Understanding Item 9 is clear on its face. It lists three leave situations, and only three, that can be included in the percentages. LWOP/OWCP is not among those three listed. The Carrier in question may not properly be counted against the negotiated Annual Leave cap. Every steward was given a copy of this arbitration ruling so the rolls can be cleared of any employees not within the three leave situations.

The arbitration hearing was very interesting. Management brought in several long time Tampa managers and supervisors to testify. Their testimony was based on the fact LWOP and OWCP employees have always been counted against the annual leave throughout the city. They cited the Johnson arbitration ruling (1999) even though the Armendariz ruling (2004) contradicted Johnson's findings.

We argued as briefly mentioned above, that the language in the LMOU did not include LWOP employees and that the Johnson arbitration ruling was in violation of our National Agreement. We also pointed out that just because something has been done in the past does not make it right, especially if it violates negotiated rules.

I had a situation at my office where something had to be done in order to allow the carriers to have the opportunity to submit for annual leave and not be denied every time. This was a very nice award.

My next topic is a topic vital to the future of our jobs. COLCPE was a big issue at our State Convention and it certainly caught my attention as never before. Last month in this newsletter there were several articles on COLCPE listing ways you can contribute to help save our jobs. Brothers and Sisters, this is not something we can take lightly anymore. This administration is coming after our jobs and they are coming fast and hard!

There is a new COLCPE Committee that I am a member of and several ideas have been offered on how to raise money, to raise awareness, and to educate letter carriers. Some of these ideas are to mention COLCPE in newsletter articles, to get the shop stewards more involved, and to reward stations which have the largest amount of COLCPE donations and the stations with the greatest percentage of carriers contributing.

Payroll deduction is one way to contribute to COLCPE but certainly not the only. Many of you who are not comfortable with payroll deduction may give by pay period, weekly or monthly as I am doing. I just began with my first \$50.00 donation.



For additional information on COLCPE, please contact the COLCPE Committee through the union office or contact me via email at the email address listed below.

There are several bills in the house and senate we need to lobby against and the time is NOW! National headquarters needs a budget in order to combat these proposals so please contribute to COLCPE today.

I appreciate the emails I have received. Here is my email address :

dcoach9@tampabay.rr.com

I look forward to talking to you again in the next Around The Horn.



HOW MANAGEMENT HAS PUT THE VOLUME BACK IN THE POST OFFICE

And The Beat Goes On

by Ray Wallace

Retirees and More Retirees

The amount of employees retiring from the Brandon Post Office in 2005 is unbelievable. I have missed all of their small parties held in the office, much to my regret. One I was told too late and others happened while I was out of the state.

Phil Singletary finally put his papers in. Phil was retired from the U.S. Air Force when he started in 33511. Due to his white hair and the speed in which he delivered the mail, we called him *White Lightning*. I asked him why he went so fast and he explained it was his nature. He could not relax and did everything fast, whereas most of us can go at a normal rate and others are the complete opposite and go backwards somewhat. Ask any manager and they will tell you how slow we are.

Well, as time went on and the years went by old Phil was still going. He was like the Timex watch that just keeps running. I thought for sure I would be at his wake before he ever retired as he kept going so fast at his age. But I'm glad to say old *White Lightning* made it to retirement. Let's hope that now he can learn to relax and enjoy life.

He did not always agree with the union rules but unlike others who thought that way and quit, he stayed a union member throughout. Branch 599 has a check for you Phil so come to a union meeting and get it. Do you need directions? Ha ha!

So many times we see a 30 year retiree getting a check from the branch and it's the first time they were in the union hall. That's a shame as they have missed out on so much over the years. The Labor Day Picnics, the Retiree Dinner/Dance

every January and its all free. In all of the USA, Tampa has one of the biggest halls in the country for the comradeship of your brothers and sister letter carriers. We all may work in different offices or cities but we are all united. Come to the union meetings once a month.

It was said some didn't come because of the smoke. In May they voted to have no more smoking in the union hall and the break room. So *now* what is your excuse not to come?

The main thing is stay a member but if you can come to a meeting, do so. As they used to say to us Yankees, "Come on down." (And now they're saying "Go back! We have no water.")

I hear that Nancy Fryrear has been assigned the job of Postmaster of Tampa. That's quite an honor but she has worked hard throughout her years in the Tampa Post Office. Nancy and I became friends when her first postal job was working as a carrier in Brandon. Later when she was in management, she used to ask questions about the contract when she didn't know and I helped her all I could. It was a pleasure to deal with a manager who was 100% honest. (And not bad looking either.) Good luck to you, Nancy!

Why isn't there any publicity about her appointment as the first female to become Tampa Postmaster?

In this union newsletter are two different notices for Tampa Retiree Breakfast in Tampa and Brandon Retiree Breakfast in Brandon. I would like to correct the Brandon one. I asked John Gebo and he said the retired carriers that go to the Brandon Breakfast have all retired from Tampa but they live in Brandon and or Valrico or like Gebo in Temple Terrace but this is not to say a Brandon Retiree would not

be welcome as are all Brothers and Sisters.

Brandon retirees do have their own lunch at Buddy Freddies every six months put together by Helen McMakin who sends out the post cards and the e-mails. I finely made the June one and it was really great to see all of my former workers. Disappointing not to see more. So if you do have the time, try to make the effort to go to the retiree lunch or breakfast, etc.

I myself have not made many but as I hear about more people getting cancer and all the other illnesses we all seem to get in the so called *golden years*, I believe that its better to see your former workers at a get together to talk about the old days at the pod than to go to their wake and talk about how nice the S.O.B. was. Ha ha!

Is it true that carrier Dave Stephens is wearing a tie?

Congratulations to retiree Kathy Nelson on getting married to a Brandon carrier. Good luck to you both.



NALC BRANCH 599**LABOR DAY PICNIC*****SUNDAY, SEPTEMBER 4, 2005, 12-4 PM******BRANCH 599 UNION HALL******3003 W. CYPRESS ST.******(SEE YOUR SHOP STEWARD FOR TICKETS & INFORMATION ; RETIREES CALL THE UNION OFFICE)***MUSIC INSIDE: LOCAL ARTIST "*THE MANATEE MAN*" 12:00-4:00 PM

MUSIC OUTSIDE: KARAOKE 12:30-3:30 PM

FOOD PROVIDED BY "*CATERING BY THE FAMILY*"

HAMBURGERS, HOT DOGS, RIBS, CHICKEN-ALL DAY

BEER, SOFT DRINKS AND WATER - ALL DAY

COTTON CANDY, SNOW CONES, ICE CREAM SUNDAE BAR

FOR THE KIDS:

FACE PAINTING - 12:30-3:30

BALLOON SCULPTURES - 12:30-3:30

GIGANTIC WETSLIDE/MOONWALK - ALL DAY

SACK RACE

PONY RIDES - 12:30-3:30

RELAY RACES

FOR EVERYONE:

EGG TOSS

WATER BALLOON TOSS

MAGIC SHOW (INSIDE)

BILLIARDS - ALL DAY INSIDE

COST: \$5 PER FAMILY OF 5, \$2 PER EACH ADDITIONAL PERSON

Proceeds will be donated to MDA

Letter Carrier John Watt's Father Foster Watts Honored For Service In World War II



Foster Watts, the father of Forest Hills Carrier John Watts, was finally recognized for his acts of bravery during WW II. His service records were lost and John was instrumental in doing the research, with the help of U.S. Representative Jim Davis' office, which made it possible for him to receive the honors he deserved. Congressman Davis presented Mr. Watts with the Purple Heart, Bronze Star, American Campaign Medal, European-African-Middle Eastern Campaign Medal and the Combat Infantryman Badge. Pictured above are Rep. Jim Davis, John Watts and Foster Watts.



ARSLAN UNIFORMS

Bill & Shirley Moran

Retired Letter Carrier Branch 1477 St. Petersburg

Honorary Member Branch 599 Tampa

NEED UNIFORMS IN A HURRY?

SHOP BY PHONE FROM HOME

320 PATLIN CIRCLE EAST PHONE: 727-584-4307

LARGO, FL 33770-3063 CELL: 727-543-0705 FAX: 727-585-9367

wfm505@tampabay.rr.com

TAMPA LETTER CARRIERS PRESENT

BINGO

COME JOIN THE FUN

EVERY WEDNESDAY AND FRIDAY

DOORS OPEN AT 5:30

GAMES START AT 6:30

AT THE TAMPA LETTER CARRIERS HALL

3003 W. CYPRESS ST.

Tampa, Fl. 33609

813-877-4785

YOUR WEINGARTEN RIGHTS

Weingarten rights guarantee an employee the right to union representation during an investigatory interview. These rights, established by the Supreme Court, in 1975 in the case of (*NLRB vs. Weingarten, Inc.* 420 U.S. 251, 88 LRRM 2689) must be claimed by the employee. The supervisor has no obligation to inform an employee that he is entitled to union representation.

What is an Investigatory Interview?

An investigatory interview is one in which a supervisor (or postal inspector) questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his/her conduct. If an employee has a ***reasonable belief*** that discipline or discharge may result from what he says, the employee has the right to request union representation.

It is an obligation of the union to educate bargaining unit employees about their Weingarten rights before an occasion to use them arises. ***An employee must state to the employer that he/she wants a union representative present; the employer has no obligation to ask the employee if he/she wants a representative.***

Weingarten Rules

When an investigatory interview occurs, the following rules apply:

Rule 1 - The employee must make a clear request for union representation before or during the interview. The employee can't be punished for making this request.

Rule 2 - After the employee makes the request, the supervisor has three options. He must either:

1. Grant the request and delay the interview until the union representative arrives and has a chance to consult privately with the employee *or*
2. Deny the request and end the interview immediately *or*
3. Give the employee a choice of: **1)** having the interview without representation *or* **2)** ending the interview

Rule 3 - If the supervisor denies the request and continues to ask questions, this is an ***unfair labor practice*** and the ***employee has a right to refuse to answer***. The employee cannot be disciplined for such refusal but is required to sit there until the supervisor terminates the interview. Leaving before this happens may constitute punishable insubordination.

Union Representative's Rights Under Weingarten

You are not required to merely be a 'silent witness'. You have the right to:

Be informed by the supervisor of the subject matter of the interview prior to the interview.

Take the employee aside for a private conference before questioning begins.

Speak during the interview.

Request that the supervisor clarify a question so that what is being asked is understood.

Give the employee advice on how to answer a question.

Provide additional information to the supervisor at the end of the questioning.

You do not have the right to tell the employee not to answer nor, obviously, to give false answers. An employee can be disciplined for refusing to answer questions. A standard statement suggested for members to give is:

"If this discussion could in any way lead to my being disciplined or discharged, I request that my union representative be present at the meeting. Without representation, I choose not to answer any questions."



Tampa Postal is Your Ticket to a *Dream Vacation...*

Between June 1st - August 31st, 2005, all you have to do is take out a Home Equity Loan or a Home Equity Line of Credit in the amount of \$15,000 or more and you will receive a fabulous 3 day / 2 night vacation courtesy of Tampa Postal Federal Credit Union!



Enjoy your vacation at one of hundreds of Marriott Fairfield Inn locations across the country!



www.tpcu.org



** Transportation not included. Quantities limited. Some restrictions apply.
See a loan officer for more information.*

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