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Respect

Professionalism

High Quality  
Patient Care

# PHARMACISTS NEGOTIATIONS

MAY 1  
2015

## KAISER PHARMACISTS 2015 BARGAINING TEAM MEMBERS

Lawrence Louie  
Baldwin Park

Paul Chen  
Downey CRP/MOPC

Sheri Gotanda  
Downey

Nevine Gad-Bishara  
Fontana/Ontario

Thomas Leong  
Fontana/Ontario

Daniel Szeto  
LAMC

Jane Rumsey  
Irvine

Melany Yee  
Irvine

Nancy Magnante  
Panorama City

Robin Borden  
Riverside

Zdenka Manthei  
Riverside

Phuong Denomme  
San Diego

Gary Laird  
San Diego

Christine Suh  
South Bay

Lynette Varghese  
West LA

Houry Abajian  
Woodland Hills

## Know Your Weingarten Rights

### WHAT IS WEINGARTEN?

An employee may be represented by the union at an investigatory interview with his/her supervisor when the employee reasonably believes that the interview may lead to a disciplinary action. This rule was set forth by the US Supreme Court in 1975 in *NLRB v J. Weingarten, Inc.* The case involved a clerk being investigated by the Weingarten Company.

*"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Until my representative arrives, I choose not to participate in this discussion."*

These rights have become known as Weingarten Rights.

An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct. When this occurs, the following rules apply:

- 1. REQUEST A UNAC/UHCP REPRESENTATIVE.** Management must ensure a Representative is supplied upon request. Management is not obligated to offer union representation.
2. Before you answer any questions, you have the right:
  - a. To know who is your accuser
  - b. To know what specific rule you're accused of violating
  - c. To review documentation management may have against you
  - d. To have time to confer with your Representative
3. Don't answer anything if a Representative is not provided, just keep the chair warm.

### WHY IS THIS IMPORTANT?

- ▶ The role of Union Rep/Steward is to be an advocate for the employee being questioned.
  - Stop the supervisor from misleading, harassing, or abusing the Union member.
- ▶ Someone to take notes on what is said and who said it.
  - Assist in keeping facts straight.
  - A witness to the conversation.

**You should always ask for a Union Representative at investigation meetings with management.**

UNAC/UHCP Represents 25,000 Nurses and Health Care Professionals in Southern California  
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