

*City of St. Louis Department of Personnel Administrative  
Regulation NO. 143*

UNION REPRESENTATION IN THE WORKPLACE

I. DEFINITIONS:

For the purpose of this regulation, the following terms and definitions will apply:

A. "Covered Employee" means any City employee within a bargaining unit represented by a union recognized by the State Board of Mediation and/or the City.

B. "Representation" means to take active participation in the questioning, advising and speaking on behalf of the employee. Only one individual is allowed to provide such representation.

C. "Reasonable Period of Time" means a period of time not less than one hour in duration.

D. "Employee Representative" means any person selected by an employee to assist the employee when he or she is to be questioned by an Employer Representative about a matter that could reasonably lead to disciplinary action.

E. "Employer Representative" means the appointing authority or his/her designee, department head or his/her designee, or an employee of the Department of Personnel.

F. "Union Representative" means an official of a union certified as the exclusive bargaining agent for a specific unit of City employees.

II. POLICY:

Covered employees may have an Employee Representative present under the circumstances described below if they so choose. The Employee Representative may not be any of the individuals defined under "Employer Representative."

A. An employee upon request may have an Employee Representative present only if the employee:

1. Has been notified that he/she is the subject of a pre-disciplinary hearing;
2. Has been notified that he/she is the subject of a pre-termination hearing;
3. Is the subject of an investigation that could reasonably lead to disciplinary action against said employee.

B. The Employer Representative will allow a reasonable period of time for an Employee Representative to attend the meeting. An attempt will be made to allow the employee to have an Employee Representative of his/her choice. However,

1. This should not result in an unnecessary delay and a different Employee Representative may need to be selected in the interest of expediency; and
2. If no Employee Representative is available, the meeting should be rescheduled to allow an Employee Representative to attend unless doing so would endanger the effectiveness or safe operation of the department. However, the appointing authority is not obligated to reschedule more than once.

C. The Employee Representative upon request will be afforded a minimum of thirty (30) minutes to meet with the employee prior to the meeting.

D. If an employee is being questioned by his/her supervisor or Employer Representative and, during the course of the meeting, information is obtained that suggests that the employee might be involved and that this could reasonably lead to discipline of the employee, the meeting should be stopped and the employee should be informed of his/her right for employee representation. The employee can then either waive his/her right to have an Employee Representative present and proceed with the meeting, or arrangements can be made to obtain an Employee Representative present prior to resuming the meeting.

E. Union Representatives will be allowed access to the work site for consultation with an employee or employees during the lunch period and other non-working or non-duty periods if the visit does not conflict or

interfere with other work activities. Union Representatives will report their presence to the appointing authority or his/her designee prior to arrival at the work site. If work conditions or security make it impractical to permit access to the work site, the appointing authority or designee will inform the Union Representative when access can be authorized. Union Representatives who are not employees will observe all posted and written safety and confidentiality rules applicable to City employees.

F. An employee acting in the capacity of an Employee Representative shall:

1. Submit a written request to his/her appointing authority to be released with pay from his/her job duties when his/her presence is requested by an employee who is to meet with an Employer Representative about a pre-disciplinary hearing, a pre-termination hearing or an investigation that could reasonably lead to a disciplinary action against the employee. An employee may have only one representative at such meetings, unless otherwise authorized in advance by the appointing authority.
2. Upon receiving a written request for release from his/her duties with pay from an employee whose presence has been requested to assist another employee at a meeting described in Paragraph F(1) of this regulation, the appointing authority should examine the feasibility of allowing the employee a reasonable amount of time away from job duties for the stated purpose. The appointing authority may consider the status of the current project on which the employee is working, the time period in which the project must be completed, the effect of the release on the workload of other employees, the length of time the employee may be away from work, and any other factors which might affect business effectiveness. Based upon the consideration of such factors, the appointing authority shall respond in writing and may grant the requested release from duty, deny the request, or grant alternative time acceptable to the appointing authority and employee.
3. If the appointing authority grants the requested release from duty, the employee will report directly to the meeting

place and promptly return to work at the conclusion of the meeting. Whenever possible, Employee Representatives should use a personal vehicle to report to the meeting place when travel outside the work site is required. Employees, however, will not be reimbursed for mileage.

G. Prior to engaging in employee representation while on duty, an employee shall have prior written approval from his/her appointing authority. An employee will conduct such business in a professional and courteous manner at all times, and shall be subject to all the provisions of the City Charter, Civil Service Rules, Department of Personnel Administrative Regulations, and the rules and policies of his/her work unit.

H. Appointing authorities will allow unions certified by the State, or recognized by the City as the exclusive bargaining representative of a bargaining unit reasonable access to work locations during normal working hours for said locations, for the purpose of assisting union employees. Upon prior request to the appointing authority such access shall be authorized for the purpose of consulting with union stewards, investigating grievances or complaints, and posting bulletins. If work conditions or security make it impractical to permit access, the Employer Representative shall inform the Union Representative(s) when the access can be authorized. At no time shall the Union Representative(s) interrupt work while it is in progress. Union Representatives shall observe all posted and/or written safety rules as if they were employees. The Union and appointing authority will initially meet and confer on all material to be posted and determine guidelines for acceptable content. Any materials deemed inappropriate under the agreed upon guidelines will be removed by the appointing authority, who will then subsequently notify the Union as soon as possible.

I. If a department currently has a policy in place governing use of the bulletin board(s) that policy will govern.

J. The Union shall provide the City Departments with a list of authorized Union Representatives. This list shall be kept current by the Union.

K. Nothing contained in this regulation shall preclude an appointing authority from immediately removing an employee or Employee Representative from the workplace if safety of the workplace so dictates and nothing contained in this regulation shall supercede any existing

work rules, ordinances, procedures, policies, etc., governing the conduct of City employees.

Questions regarding this regulation should be directed to the Employee Relations Section of the Department of Personnel at 622-3563.

DEPARTMENT OF PERSONNEL

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