

## **Los Rios Classified Employees Association (LRCEA)**

### **LRCEA Policy Regarding Representation**

This Policy applies to all employees represented by LRCEA in Los Rios Community College District, and was adopted by the LRCEA Executive Board pursuant to Article X, Section 3, of the LRCEA Constitution.

#### **1. Requesting Representation**

All LRCEA represented employees, members and fee payers, may request LRCEA representation pursuant to this Policy.

Any employee requesting LRCEA representation must do so within a reasonable time before the expiration of the time to appeal or file the case he/she is requesting representation for.

#### **2. Meeting the Requesting Employee**

This Policy will be reviewed with the employee requesting representation by LRCEA, promptly upon the employee making that request.

#### **3. Request for LRCEA Representation Form**

Upon completion of the review of this Policy with the requesting employee, that employee must provide LRCEA with a completed, signed and dated Request for LRCEA Representation form (this form is attached to this Policy). The original completed, signed and dated Request for LRCEA Representation form must be promptly forwarded to the LRCEA President (or designee).

#### **4. Investigating the Request for LRCEA Representation**

Upon receipt of the original completed, signed and dated Request for LRCEA Representation form, the LRCEA President (or designee) shall initiate an investigation of the matter the request pertains to. The LRCEA President (or designee) will assign a person or persons to investigate the matter to determine if the case has merit, whether or not to represent the employee, and the following applies to all such requests for LRCEA representation:

- A. LRCEA is sole and exclusive representative of the employee requesting representation, and if the employee retains other than LRCEA to represent him/her LRCEA is, at its sole and exclusive discretion, relieved of any and all obligation to represent that employee regarding the case for which representation was requested by the employee, including but not limited to, being relieved of any and all costs and expenses associated with the case.

No employee exclusively represented by LRCEA pursuant to the Educational Employment Relations Act, commencing with Section 3540 of the Government Code (EERA), shall retain any representation other than LRCEA to represent him/her for any matter covered by the EERA without the prior express written approval of the LRCEA Executive Board pursuant to its official action.

- B. LRCEA representation is dependent on the financial ability of LRCEA, and is subject to such limits as LRCEA may determine at its sole and exclusive discretion.

- C. Each employee requesting LRCEA representation must cooperate fully with LRCEA, and as directed by LRCEA regarding any other party involved in the particular case, and shall make full and complete disclosure to LRCEA regarding his/her knowledge and involvement in the case, and shall provide LRCEA with all information and material in his/her possession regarding the case immediately upon possessing such information and/or material.
- D. LRCEA will not indemnify anyone for costs and expenses for representation without prior express official action of the LRCEA Executive Board authorizing such indemnification; indemnification consists of the payment of money in reimbursement of either a portion or all actual and necessary representation cost and expense paid by the employee being represented.
- E. LRCEA representation consists of advice and assistance rendered by a person or persons authorized and selected by LRCEA to do so, and may include investigation, negotiations, settlement, and/or appearance before administrative, judicial and/or legislative tribunals as determined solely and exclusively by LRCEA.
- F. In the event the time limit to file or appeal the case for which LRCEA representation is requested is due to expire before the LRCEA investigation of the case can reasonably be completed LRCEA may, at its sole and exclusive discretion, direct the employee requesting representation to file or appeal the case or, file or appeal the case itself, however such action by LRCEA to file or appeal the case does not in any manner whatsoever imply or mean, LRCEA has agreed to represent the employee requesting LRCEA representation for the case, and does not mean that LRCEA will indemnify the cost and expense of the employee who requested representation for the case.
- G. LRCEA representation is not provided for any of the following:
  - 1. Any acts or events occurring prior to the date LRCEA is exclusive representative of the employee requesting representation.
  - 2. Any events occurring outside district employment of the employee requesting representation.
  - 3. Any matters outside the scope of representation of LRCEA pursuant to the EERA.
  - 4. If, the time has expired to file or appeal the matter for which representation is requested.
  - 5. Workers' compensation, disability, discrimination, sexual harassment, and whistle-blower cases.
  - 6. Criminal cases.
  - 7. Any matter before credentialing, licensing, or examining boards or commissions.
  - 8. Any matter not expressly related to the employment relationship between the employee requesting representation and the college district pursuant to the EERA.

9. Disciplinary action arising from concerted activity not expressly approved by official action of the LRCEA Executive Board in advance of such concerted action being taken.
10. When representation would result in a conflict of interest for LRCEA.
11. Cases that appear to lack factual or legal merit.
12. When LRCEA determines the employee requesting representation has representation other than LRCEA for the same case.
13. When LRCEA determines the employee requesting representation has not and/or is not complying with all terms and conditions of this policy.
14. When LRCEA determines the employee requesting representation has not and/or will not cooperate with LRCEA regarding the case and/or his/her representation pertaining to the case.

### **5. Decision Regarding Representation**

LRCEA has sole and exclusive authority to make its own decisions regarding the merit of any and all requests for representation, including but not limited to the following:

- A. Undertaking representation.
- B. Discontinuing representation.
- C. Recommending settlement of a matter prior to exhaustion of the applicable administrative procedure.
- D. Refusing to continue representation in the event its recommendation to settle the case is not satisfactory to the employee(s) involved.
- E. Seeking judicial relief and redress for a particular matter in addition to or in lieu of representation through any or all of the available administrative procedures.
- F. Discontinuing representation in judicial proceedings at any point to their exhaustion.

The decision regarding representation will be made by the LRCEA President after reviewing the results of the investigation of the matter and, that decision will be provided to the requesting employee in writing. A denial of representation will include the reason(s) for that denial.

### **6. Appeal of Denied Request for Representation**

When LRCEA representation is denied, the case is automatically appealed to the LRCEA Executive Board for review, and if the denial is affirmed, the case may be appealed to the general membership at the next meeting.

### **7. Form - Request for LRCEA Representation**

A copy of the above captioned Form is attached hereto.

**Los Rios Classified Employees Association (LRCEA)  
Request for Representation**

Name of Employee: \_\_\_\_\_

Worksite/Dept: \_\_\_\_\_

Job Classification Title: \_\_\_\_\_

Work Schedule-Days/Start and Ending Times: \_\_\_\_\_

**Contact Info:**

Work phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Home Mailing Address: \_\_\_\_\_

I, the undersigned, pursuant to the Representation Policy of LRCEA, which I have reviewed and agreed to abide by, hereby request LRCEA to represent me regarding the case described below:

Grievance

Discipline

Other (List Type of Case):

My case involves the following (print clearly): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach additional sheets to complete this case description, if needed.)

I have attached all documents and information related to this case I have in my possession when this request for LRCEA representation is made by me.

I, the undersigned, hereby certify the information provided to LRCEA for the matter I am requesting LRCEA representation for as described above, is true and correct.

\_\_\_\_\_  
Signature of Member Requesting

\_\_\_\_\_  
Date of Request