

FREQUENTLY ASKED QUESTIONS

What do I do if I believe my rights have been violated?

- Immediately contact your UFF Chapter Grievance Officer. They will help you with the very first steps in identifying your options.
- Read your collective bargaining agreement and identify potential violations.
- Develop a timeline and centralize any documentation.

What is UFF's representation policy?

UFF will not represent anyone who was not a dues-paying member at the time when the grievable incident occurred. Non-members must represent themselves or hire their own attorney.

UFF is the higher education affiliate of the Florida Education Association, National Education Association, American Federation of Teachers, and AFL-CIO.

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Collective Bargaining since 1976

UNITED FACULTY OF FLORIDA

Member Rights



Florida Constitution Article 1, Section 6

Right to work. The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.



Public employees in Florida—including university and college faculty and graduate employees—have constitutional and statutory rights, as well as rights and responsibilities set out in your legally-binding Collective Bargaining Agreement (CBA).

It is important to know these rights. There could be an accident in your lab or a fight in your classroom. Students might run into problems that reflect on you if you teach outside of the country or run an international program for your college or university. A student could formally complain about you. You could be investigated and disciplined by the administration. *Most people in these situations never thought it would happen and are surprised, anxious and unprepared when it does.*

Some of your rights as a public employee include:

- The right to self-organization
- The right to file a grievance
- “Weingarten” rights

THE RIGHT TO SELF-ORGANIZATION

Employees shall have the right to self-organization, to form, join, or assist labor unions or labor organizations or to refrain from such activity, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection. (Florida Statute 447.03)

You have the right to:

- Join UFF.
- Talk to your co-workers about joining UFF.
- Pass out literature about joining UFF (except in classrooms during teaching times).
- Get your coworkers to sign petitions or grieve a contract violation.
- Join with your coworkers for the purpose of improving working conditions.

Your employer does NOT have a right to:

- Interfere with, restrain or coerce you in such a way as to prevent you from exercising your rights listed above.

- Discriminate against you because you have exercised any of your rights, including your right to file complaints and testify against your employer if you believe he or she has violated your rights.
- Refuse to bargain collectively and in good faith with you and your coworkers.

THE RIGHT TO FILE A GRIEVANCE

Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties. (Florida Statute 447.401)

Trained UFF grievance representatives will represent members whose rights have been violated under your CBA. Representatives work hard to settle most grievances in the member’s favor at the informal stage, but when this isn’t possible, UFF members receive free representation at arbitration when necessary (which can cost \$20,000).

“WEINGARTEN RIGHTS”

So-called “Weingarten rights” give workers the right to representation in investigatory meetings.

UFF members have a right to UFF representation at meetings called by administrators where there is reason to believe disciplinary action may be taken against them. These rights, established by the Supreme Court in 1975 in the case of the National Labor Relations Board v. J. Weingarten, Inc., must be claimed by the member. You must request your right to a UFF representative.

An investigatory interview is one in which an administrator questions an employee to obtain information that could be used as a basis for discipline or asks an employee to defend his/her conduct.

If you are in a meeting and the topic switches to something that could lead to discipline, you have the right to request UFF representation.

Statewide, we are seeing an increase in student complaints and Human Resource investigations. This can be a stressful and sometimes confusing process. One of the important reasons UFF exists is to make sure members have due process rights in situations like this.

To exercise your Weingarten rights: Keep the following statement in front of you and politely but clearly state:

“If this discussion could in any way lead to my being disciplined or could affect my personal working conditions, I request that a union representative be present at this meeting.”

Make the above statement, repeat it, and then do not engage in any further discussion except to request the meeting be rescheduled for when you can have a UFF representative present.

One of the best ways to serve the union is to become a Grievance Committee member and help defend due process rights. Consider becoming a UFF representative and going to investigatory meetings with members. It is important and rewarding work. UFF offers regular training on grievances. Even if you are not sure you’d like to serve, it’s worth learning about the process and your contract.

What is not covered under Weingarten:

- You must cooperate with the investigation; not answering questions (with some exceptions) could be considered insubordination and could get you fired.
- Public employees do not have the right to representation when the administration is speaking with you as a witness to an investigation of someone else.
- Not every meeting with a supervisor is an investigation, and not every discussion with a supervisor or administrator could reasonably be thought to lead to discipline. UFF will help you decide if you have the right to representation; always contact your chapter for clarifications.