



A Message from Your CAPE Board of Directors

Dear CAPE Members:

You have our commitment that CAPE will continue to provide the highest quality, most professional job representation services available to Los Angeles County employees. As such, we are proud to be able to provide this CAPE Representation Handbook to you.

This comprehensive guide to your employee rights is the first of its kind, and it is a unique benefit of your union membership.

Please take some time to read this important Handbook, and keep it with you at your work station for reference purposes. Our goal by arming you with this information is to help you gain greater control over your own career, and better inform you how to access CAPE's professional job representation services whenever you need them.

We hope you find this new CAPE Representation Handbook useful as you navigate your way to a successful career at Los Angeles County.

Thank you for your continuing support of our Association,

The CAPE Board of Directors



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Chapter 1. INTRODUCTION:

ACCESSING CAPE'S PROFESSIONAL REPRESENTATION SERVICES

CAPE offers you, as a member, many representation services to protect and improve your career both individually and as part of a group. As part of a collective bargaining unit, your membership in CAPE enhances career protections and opportunities for all CAPE-represented employees.



Without CAPE, employees would be caught in the rain.

This Booklet is primarily intended to introduce you to your rights as an employee, and to orient you to the professional representation CAPE offers to you as a member in protecting and exercising these rights. This Guide will also describe how you may access CAPE's professional representation services as a member in each area discussed in the Booklet.

This Booklet is only intended as a brief introduction to your rights, the representation services CAPE provides you as a member, and how you may access CAPE's services. The CAPE Board of Directors encourages you to keep this Booklet as a ready source for your referral on problems that may arise in your employment. When faced with a specific employment problem, you are encouraged, upon referring to this Booklet, to immediately call the CAPE office to discuss your employment problem in detail with one of our experienced Business Agents.

A Business Agent may be reached by calling the CAPE office's direct line at **(213) 484-0400**.



Chapter 2.

YOUR RIGHT TO ENGAGE IN CERTAIN ACTIVITIES RELATED TO YOUR EMPLOYMENT WITHOUT EMPLOYER RETALIATION

You have the right to engage in certain activities related to your employment without being subject to retaliation by your employer.

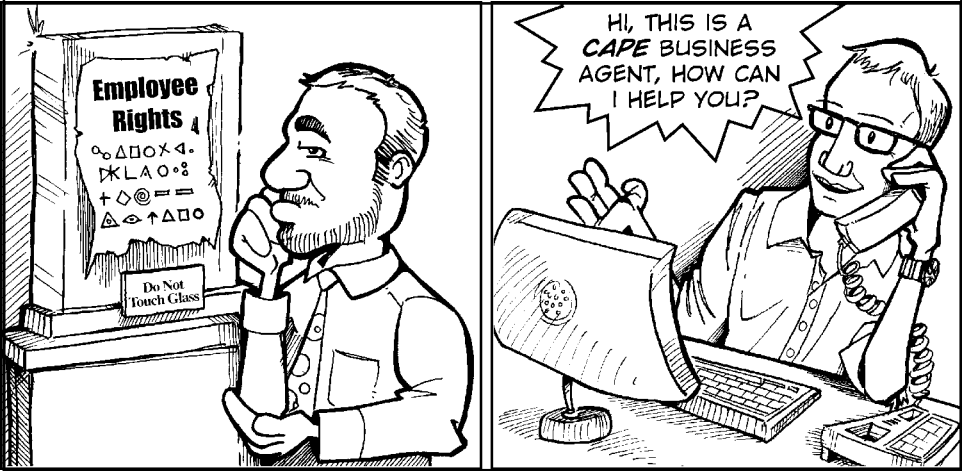
For instance:

- **You have the right to be involved in CAPE activities**, such as to serve as a CAPE Delegate, on a negotiating team, on a committee, on the Board of Directors, or as a CAPE officer and not be subject to your employer’s retaliation for doing so.
- **You have the right to exercise your contractual rights** under your Unit’s collective bargaining agreement, or Memorandum of Understanding (MOU), without being subject to retaliation. Some examples include but are not limited to your right to pursue a grievance for violations of the MOU, departmental policies or past practices, your right to file a request for a position classification study or to make a safety complaint, or file a mileage claim pursuant to the MOU. You have the right to pursue these without being subject to retaliation for doing so.
- **You have the right to pursue claims before other County or State agencies or the courts** without being subject to retaliation. For example, you have the right to file a claim of unsafe working conditions with the State’s agency O.S.H.A., or a discrimination or sexual harassment claim with the County’s Office of Affirmative Action Compliance, the State’s agency, Department of Fair Employment and Housing or the Federal agency, Equal Employment Opportunity Commission, or file an appeal to the County’s Director of Personnel or Civil Service Commission as provided by the County’s Civil Service Rules, or file a claim with the County’s Employee Relations Commission as provided by the County’s Employee Relations’ Ordinance.



Each type of retaliatory action has its own avenues available with specific rules and regulations that apply. These avenues provide you and your fellow members of your bargaining unit with specific opportunities to prevail over County department managers if your rights or the provisions of our MOU have been infringed. CAPE's representation services staff have expertise in these rules and regulations to make sure your interests are protected.

If you feel you are being subjected to retaliation by your management as a result of engaging in such protected activities, call the CAPE office immediately for assistance since there are a variety of different time limits for filing a remedial action depending on the activity in which you were engaged.



Chapter 3.

YOUR RIGHTS AS AN INDIVIDUAL EMPLOYEE TO PROCESS GRIEVANCES

Filing A Grievance: You have the right to file and pursue grievances and to have representation for such grievances. You have the right to have CAPE represent you, or you may have a coworker or outside counsel represent you, or you have the right to represent yourself.

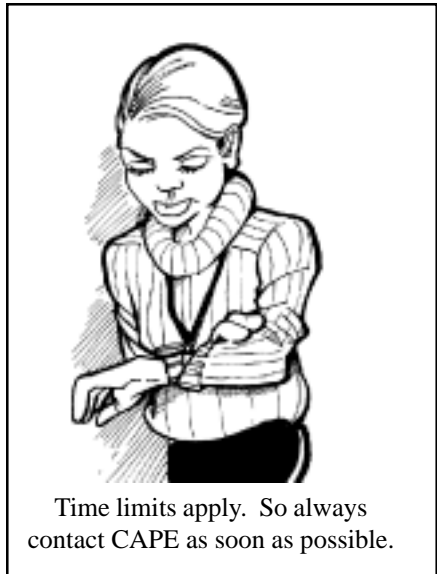
A grievance is the principal mechanism you can use to enforce your contract rights negotiated by CAPE with Los Angeles County. Your Memorandum of Understanding (MOU) contains language that identifies what standards are set for your wages, hours and working conditions. When management violates these standards, the grievance procedure provides a process by which these matters can be corrected.

While grievances can be filed for a wide range of reasons, examples of some of the more common kinds of grievances include but are not limited to:

- claiming an annual Performance Evaluation should be improved,
- fighting minor discipline,
- resolving reimbursement disputes,
- challenging a negative working out-of-class ruling, or
- fighting an involuntary transfer

Timeliness is very important: In order for grievances to be considered timely, they must be filed within ten (10) business days from the occurrence of the matter on which a complaint is based or within ten (10) business days of your knowledge of such an occurrence.

In order to provide the best possible professional analysis, advice, grievance language and representation, it is very important for you to contact CAPE and request to speak to a Business Agent as soon as possible.



Chapter 4.

GROUP ADVOCACY

CAPE has the authority to raise to Management the concerns of affected groups of CAPE-represented employees. Depending on the type of concern, there are two ways that you may raise these group concerns.



1. Grievance-General in Character: This improved aspect of your Memorandum of Understanding (MOU), achieved in 2004, allows defined groups to raise a violation of a provision with Management.

The time limits for filing a grievance apply here as they do for individual employees in the prior section. It is important for a member of the affected group to contact CAPE as soon as possible so that a grievance-general in character can be filed within ten (10) business days of the occurrence of the matter affecting the group, or within ten (10) business days of any knowledge of the occurrence of the matter.

2. Meetings to Consult or Confer with Management: When Management decisions and actions affect a group of employees, CAPE has a right to “meet and consult” on the practical impact on concerned CAPE members. Furthermore, when employee wages, hours and conditions of employment are impacted, CAPE has the right to “demand to negotiate” on the subject.

Some examples of the kind of issues that CAPE consults with Management include changes in classification specifications and other policy changes that have an impact on CAPE-represented employees.

If you are part of a group of employees who believe they are adversely impacted by management actions, you should contact a Business Agent by calling the CAPE office.



Chapter 5.

YOUR RIGHTS IN DEFENDING YOURSELF FROM ACCUSATIONS OF MISCONDUCT.

As the Target of an Investigation: The first time most employees become aware that they are being investigated for allegation(s) of misconduct is when they are contacted either by representatives of their department's personnel division, the County's Auditor-Controller's Office, or when they are called into a Manager's office, normally someone above their immediate supervisor.

If you are in this position, you should ask what the subject of the meeting is and, if management starts asking questions, whether or not the questions they have for you may result in disciplinary action against you? If the answers to these questions give you reason to believe that the meeting will involve you answering questions that may result in disciplinary action against you, you have the right to request representation by CAPE.

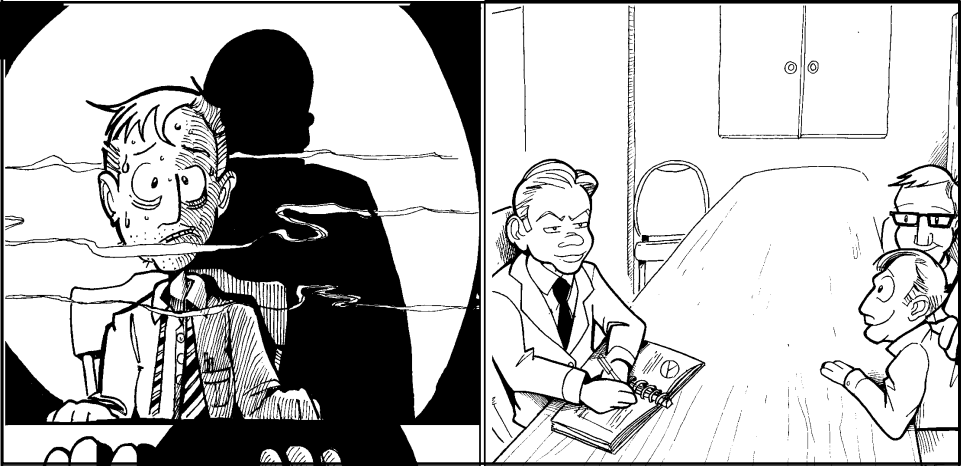
For example, if you ask, "could any of my answers to your questions result in discipline?" and the interviewer responds something to the effect of "Well, depending on your answers you may or may not be disciplined," or "I just want to clarify a few things and it may not result in discipline," or anything but "no", you have the right to request representation by CAPE. This right is known as your **Weingarten right**.

Management is under no obligation to advise you of your right to have such representation present at the meeting. Therefore, **you must inform Management that you are exercising your right to request union representation. Then, you should contact CAPE as soon as possible by calling the CAPE office.**

The importance of you carefully exercising your right to have a CAPE representative present at such meetings cannot be over-stated. Management has taken advantage of members who did not exercise their right to have a CAPE representative present at such meetings by manipulating them into making statements which exposed them to serious discipline, as well as civil liability, and even criminal prosecution. You can minimize your exposure to such risk by exercising your Weingarten right early and carefully upon being asked to participate in an investigation.

To access CAPE representation or if you have any questions about your rights, call the CAPE office and talk to a CAPE Business Agent **before** answering any of management's questions.





Do not under any circumstances comply with a request by management to write out a statement as to circumstances you may have been involved in before you contact and discuss the matter with a CAPE Business Agent.

Additionally, if you find out you are under investigation, **do not** discuss the investigation or the circumstances for which you believe you are being investigated with anyone that is a County employee or anyone involved with the incidents being investigated. Your discussions may lead investigators to claim that you engaged in misconduct by compromising the integrity of the investigation or tampered with a potential witness. Such a charge could subject you to further disciplinary action.

Upon receiving a notice of disciplinary action: If management chooses to attempt to implement disciplinary action against you, you will receive either a written Notice of Discipline or a Notice of Intent to Discipline depending on the level of severity of the discipline.

To access CAPE representation and/or to get advice on your options for challenging the discipline, contact the CAPE office immediately upon receiving either type of Notice to ensure you respond within applicable time limits. There may be different avenues available to you to challenge the disciplinary action.

For instance, if management intends to discharge you, reduce you in rank or impose a suspension of more than five (5) days, you would receive a “Notice of Intent to... (Discharge, Reduce, or Suspend for...)” You would be entitled to have a pre-disciplinary meeting, or “Skelly” meeting, in which you may exercise your right to due process. You are entitled to have a representative present in this meeting to assist you in persuading a representative from Management to recommend that the proposed disciplinary action should not be imposed or it should be reduced.



Normally, the “Notice of Intent to...” letter gives you the option of either responding in writing or scheduling a meeting and having a representative present at this meeting to discuss the proposed disciplinary action.

CAPE **strongly recommends** that you request that a CAPE Business Agent schedule a face-to-face meeting with the designated management representative to discuss the proposed disciplinary action rather than submit a written response. CAPE has a professional staff that has experience in making effective presentations that are persuasive and increase your chances of either having management not take the proposed disciplinary action against you or substantially reducing the proposed disciplinary action. It has been our experience that submitting a written response has not been persuasive in having Management reconsider the proposed disciplinary action. Furthermore, if you pursue a Civil Service Appeal, your case in hearing could be severely hurt by Management’s cross-examining you as to any inconsistencies or gaps between your testimony at hearing and your prior written statement.

CAPE Representation Benefit Covering Civil Service Representation in Disciplinary Appeals: CAPE provides, as a benefit of membership, representation in appealing such discipline before the Civil Service Commission to CAPE members in good standing. Fee Payers and non-members do not have this benefit.

To access Civil Service representation you must meet a strict time deadline. You must call the CAPE office requesting our representation and provide us a copy of the letter of disciplinary action **within five (5) business days** of receipt of the letter or the postmark date if it is sent to your home (whichever comes first).

CAPE Representation in Grievable Disciplinary Actions: If management chooses to impose a written warning, a written reprimand, or a suspension of five (5) days or less, you will receive a “Notice of Disciplinary Action” letter. This is considered minor discipline, and you may challenge this level of discipline by filing a grievance. **You only have ten (10) business days from the date of receipt of the Notice to file a timely grievance according to your MOU’s grievance procedure.**

To access CAPE representation, call a Business Agent at the CAPE office as soon as you receive such a Notice so that we may assist you in filing a timely grievance.



Chapter 6.

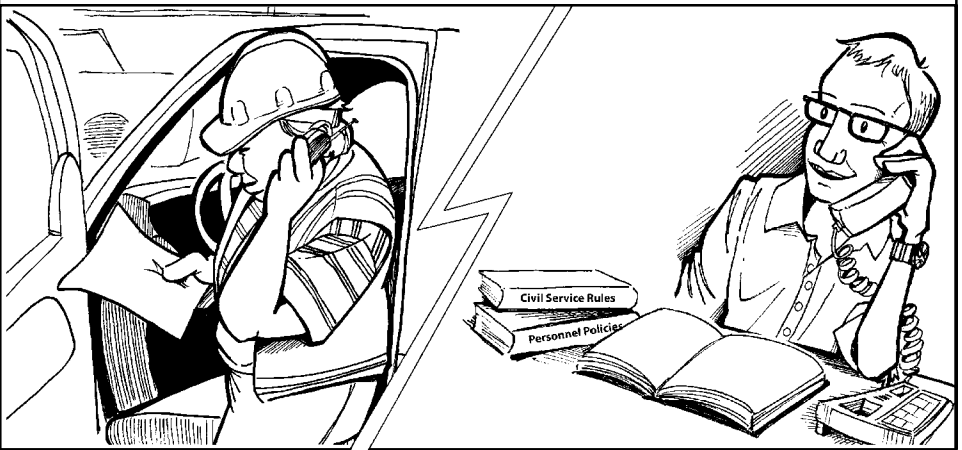
REPRESENTATION SERVICES OFFERED TO MEMBERS AS TO MATTERS OTHER THAN SEVERE DISCIPLINE WITHIN THE JURISDICTION OF THE COUNTY'S CIVIL SERVICE COMMISSION

CAPE provides representation services solely to you as a benefit of your membership regarding three (3) subject matters outside of severe discipline (covered in previous chapter) within the jurisdiction of the County's Civil Service Commission. These are:

- **Probationary reductions,**
- **Claims of discrimination, and**
- **Challenges to promotional exams**

Due to the very short time period the Civil Service Rules provide of only ten (10) business days to have CAPE timely file the relevant initial document, you must contact a CAPE Business Agent requesting representation **within two (2) business days** of receipt of any information regarding management's action to reduce you during the probationary period after a promotion or to challenge an aspect of a promotional exam. Claims of unlawful discrimination may also have certain time sensitivity. Therefore, **do not wait until you have all your information together before calling CAPE for representation on these subject matters.**

Call (213) 484-0400 and ask to speak to a Business Agent.



Chapter 7.

ADDITIONAL MEMBER-ONLY REPRESENTATION SERVICES

CAPE provides representation services solely to you as a benefit of your membership regarding three (3) other subject areas:

- Career Counseling,
- Interactive Processes, and
- Automotive Safety Committee Reviews

These value added benefits of membership significantly aid many members facing difficult employment problems.

Career Counseling: Many members contact CAPE with concerns about reaching their career goals. CAPE has forty (40) years' experience in providing effective advice and sometimes directly creating opportunities for our members to achieve their career goals.

In other instances, CAPE has assisted members who have found themselves on the verge of discharge due to what management labeled as "poor" performance. CAPE has been helpful in providing guidance in navigating the difficult terrain of a "Plan for Improvement." CAPE represents members in working with management in developing reasonable terms for such a Plan. In such instances, we've provided guidance to members on tools they need to develop in meeting the Plan's requirements.

Regardless of the kind of career counseling needed, please contact a Business Agent at the CAPE office to receive such assistance.

Interactive Process: Members who suffer from a condition that makes them unable to perform all of the duties of their position may choose to have CAPE representation when meeting with Management to discuss accommodations to their work regimen. This is typically done in what is known as Interactive Process.

When a Member needs accommodation, their Department assesses the operational feasibility of making such accommodations after the Member's participation in an Interactive Process Meeting. CAPE plays an important role in negotiating potential accommodation scenarios for the Member.

In order to access CAPE representation in an Interactive Process, a Member needs only to contact the CAPE office and request to speak to a Business Agent upon learning that they will need to be accommodated at work.



Automotive Safety Committee Review: When employees have accidents driving County vehicles, they are generally required to attend a meeting with the Automotive Safety Committee. Fortunately for CAPE members, you do not have to attend this meeting alone.

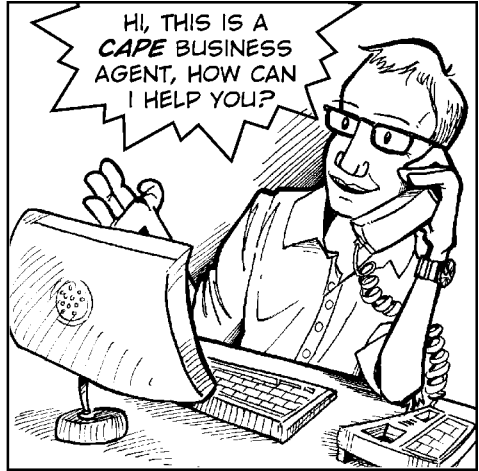
The Committee's duty is to assess whether you had any fault in an accident in which you were driving a County vehicle. Discipline may result from these meetings, and therefore, it is valuable to have a CAPE representative present who is well aware of the pitfalls.

In order to access representation at an Automotive Safety Committee meeting contact a Business Agent at the CAPE office as soon as possible upon receiving a request to appear before the Committee.



CONCLUSION

In all cases in which you might require CAPE's professional representation services, it is better to be safe than sorry. Please call CAPE immediately if you believe your rights have been violated. Our trained professionals are here to serve you.



IMPORTANT CONTACT INFORMATION FOR CAPE MEMBERS

CAPE Office - (213) 484-0400

Contact a Business Agent, request representation, ask general questions, or access additional benefits information.

CAPE Fax – (213) 484-4963

Send member applications, inquiries, announcements, important documents or requests here.

CAPE General e-mail – info@c-a-p-e.org

You can e-mail us your comments, concerns or requests, however in the case of an urgent matter, call the main office number

CAPE Information Line – (213) 483-8045

Gives you the latest information about CAPE's efforts on behalf of the membership.

CAPE Website – www.c-a-p-e.org

Get the latest news about CAPE, learn about the Board and the Staff and look up negotiation information and financial reports for CAPE.

LACERA Retirement Services – 1-800-786-6464

Call here with questions regarding your pension plan.

HORIZONS/L.A. County Service Center – 1-800-974-0845

Call here for information about the County's supplemental retirement plan with a matching benefit.



