



## Weingarten Rights

An employee who is represented by a Union has a legal right to have a Union Representative present to act on his/her behalf at any meeting with a supervisor or management official whenever the meeting is an investigatory interview involving a discipline or leading to a discipline.

This right of union representation was established in 1975 under a Supreme Court case, *NLRB v. J. Weingarten, Inc.*; and this right of representation is often referred to as an employee's "Weingarten Rights." The Weingarten decision affirmed the right of employees to refuse to participate in an Investigatory interview without union representation, where the employee has reason to believe that the interview will result in discipline.

If an employee makes the request to have a Union Representative, the employer must do one of the following:

- Grant the request and delay questioning until the Union Representative arrives and has a chance to consult privately with the employee, or
- Deny the request and end the interview, or
- Give the employee the choice of having the interview without representation or ending the interview.

It's extremely important that all members are aware of their Weingarten rights and use them. Union representation in this context is crucial to ensure the employee is treated fairly and not harassed by management.

Some HP AE contracts require management to inform employees of their Weingarten Rights; other contracts do not, and the employee must make the request for representation.

## AFT LIABILITY INSURANCE

*All members of Local 5107 have this coverage.  
It is part of your dues*

The AFT is pleased to provide liability protection for claims or charges arising out of the employment activities of a member of a participating local. The Occupational Liability Insurance (OLI) Plan (the Plan) provides AFT members broad protection for legal defense costs and court judgments. Since this is a group plan, it can only be purchased by local affiliates on behalf of their members. Because the coverage protects participating members from a wide range of employment-related issues, including defense of alleged criminal acts, this newsletter provides only a summary overview of the protection available to members. Coverage is determined based on the limitations and exclusions contained in the Plan.

The Plan provides for damages and attorney fees from claims arising out of a member's employment activities due to: (1) accidental bodily injury (e.g., a patient falls and breaks his arm while being transferred by a nurse from his bed to a chair), (2) accidental property damage (e.g., member knocks a patient's laptop computer to the floor while delivering bedside care) or (3) personal injury claim like slander, libel, false arrest, false detention, imprisonment or invasion of privacy. Examples include: a nurse being overheard making fun of a patient's weight to other nurses (slander) or a lab tech refusing to process a patient's blood because of the patient's national origin or religion, delaying the finding of disease, which results in the patient's death (discrimination).

Coverage is provided for claims arising out of incidents that take place during the policy period. Note that the defendant must be a member in good standing of a participating local at the time of the incident. The member named in the charge is covered under the policy regardless of where the member is currently employed. This type of coverage is referred to as occurrence-based.

The Plan provides up to \$1 million protection per member per occurrence for damages arising out of

- Bodily injury
- Property damage
- Personal injury

subject to its limitations and exclusions.

The Plan is designed to reimburse certain expenses to defend any claim made against a member resulting from the following acts:

**1. Commission of a criminal act**, where such charge arises solely out of the member's employment activities, the Plan will pay up to \$5,000 per member per year regardless of the outcome. Reimbursement up to \$35,000 is made only if the member is "completely exonerated."

Complete exoneration means that a finding or verdict of not guilty has been entered into the record as to all charges of the criminal act, or a final order of dismissal has been entered into the record without appeal. In both instances, reimbursement is for reasonable and approved legal expenses.

**2. Denial of constitutional rights** where such charges arise solely out of the member's employment activities, the Plan will pay up to \$250,000 per member per calendar year and up to \$1 million for any one incident.

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A NEWSLETTER FOR THE MEMBERS  
OF HPAE LOCAL 5107



Wanaque Center has been slowly recovering from the virus outbreak. HPAE helped our members tremendously. Our members continue to support each other. We are all grieving differently. We are still facing lawsuits. Management has reassured our members are covered under the facilities insurance. Our members also have occupational insurance from AFT. The State and Federal agencies inspected Wanaque in August 2018 and found minor violations. During the virus outbreak in October, numerous violations were found by both agencies. Our question is why wasn't it discovered in August. We have to hold them accountable. They enforce the law. We can not expect management to do anymore than they have to by law. Having a Union gives us a contract to follow and enforce. Our membership is a strong force because of unity. We need to have our voice heard at the legislative level. At the local level we continue to have labor management meetings to address our concerns. But real change starts with legislation. Get involved with COPE and make a difference. Our patients and health care depend on you.



## NURSES WEEK 2019

Nurses week is May 6-12. We need your input on how you would like to celebrate our profession this year.

Speak to an officer or Rep if you would like to be on the Hospitality committee or if you have a recommendation for this year's event.

You will receive a flier in April listing the activities—Keep an eye out for it.

# SAVE THE DATE

## AFT PROFESSIONALS ISSUES CONFERENCE

April 25—27, 2019  
Washington, DC

Register at <https://hq-secure01.aft.org/AFTMeetingsPortal>