



Chapter: Personnel
Subject: 03-02 – NERE Representation Rights
Effective: April 19, 2022
Supersedes: Official Order 1, Article XXV, dated August 14, 2003
Distribution: Department Members

PURPOSE: Although not obligated to do so, the department has determined it is in the best interests of all members to grant non-exclusively represented members some privileges similar to those afforded members represented by labor organizations, which are as follows:

- A. A non-exclusively represented member may request representation during an investigatory interview by any department personnel regarding allegations or charges of misconduct against the member, which if substantiated, could result in suspension or dismissal. Consistent with Civil Service Commission rules and regulations, the member will be permitted representation of the member's own choosing, if such a request is made. However, Civil Service Commission rules prohibit an exclusive representative from representing excluded members.
- B. The member has the right to be informed prior to the investigatory interview of the subject matter of the interview.
- C. The member is entitled to a pre-interview conference with their representative.
- D. A fellow-member representative who is of the same principal department shall be entitled to administrative leave to attend the interview.
- E. The fellow-member representative will be permitted to attend the interview in this stated capacity provided that it does not unduly disrupt work operations, it is conducted expeditiously, with as minimum an amount of time off as possible, and this privilege is neither misused nor abused.
- F. It is the responsibility of the member to notify the member's representative of the meeting or interview.
- G. The meeting or interview will not be unreasonably delayed due to the representative's unavailability.
- H. The representative's role at the investigatory interview is to consult with the member and to observe the propriety of the interview and not to interrupt, interfere with or otherwise obstruct the investigation. The representative shall be given the opportunity to assist the member by asking questions to clarify the facts or to provide the names of other witnesses who possess knowledge of the facts.
- I. This described representation is not intended when the member is interviewed solely as a witness. If it is known that the member is a witness only, they shall be so advised.

- J. This stated privilege of representation is intended to be supplemental to the rights guaranteed to these same members pursuant to Civil Service Rules.

DIRECTOR

Annual Review Responsibility: Human Resources Division

Accreditation Standards: CALEA 3.1.2