

BEFORE THE PUBLIC EMPLOYEE  
LABOR RELATIONS BOARD

PROHIBITED PRACTICES COMPLAINT

PITA S. ROYBAL

v.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

02-PELRB-2006  
05-15-06A10146 FILE

PELRB Case No. 156-05

DECISION AND ORDER

THIS MATTER came before the Public Employee Labor Relations Board on March 24, 2006 upon the appeal taken by Pita S. Roybal of a February 7, 2006 Decision of the Director of the Public Employee Labor Relations Board dismissing the prohibited practices complaint of Pita S. Roybal filed against the Children, Youth and Families Department.

The Board, having considered this case based on the papers properly filed with it and having heard oral argument of Ms. Roybal and of the representative of the Children, Youth and Families Department, hereby approves and adopts the Director's Decision and incorporates that Decision as its own as follows:


At the Status Conference held this morning [February 7, 2006] the parties were clear in their agreement that the meeting of November 2, 2005 between Ms. Pita Roybal, Mary Cordova and Ms. Angelina Unale-Hale was not investigatory. The meeting was for the purpose of giving Ms. Roybal a letter of reprimand for a variety of actions taken by her prior to November 1, 2005. In view of the fact that the November 2, 2005 meeting was not to investigate Ms. Roybal's activities but to discipline her for prior acts, the Weingarten rights do not apply. I am therefore dismissing the above-referenced [Ms. Roybal's] complaint.

The issue on appeal concerns solely whether Children, Youth and Families Department denied Ms. Roybal her "Weingarten Rights." Those "Weingarten Rights" are union member protection rights, handed down by the United States Supreme Court. Those rights are: If a member is called into a meeting with management and the meeting could in any way lead to the

member being disciplined or terminated, or could affect the member's personal working conditions, the member has the right to inform management that the member requests his or her union representative to be present at the meeting. Until that representative arrives, the member may choose not to participate in the discussion.

As the meeting on November 2 was not for the purpose of investigating or gathering information but solely to deliver a reprimand for previous conduct that the Department had already determined justified issuance of a reprimand, Ms. Roybal's Weingarten rights were not involved or violated by the Department.

IT IS ORDERED, therefore, that Ms. Roybal's complaint be and hereby is dismissed.

  
MARTIN DOMINGUEZ  
Chairman  
Public Employee Labor Relations Board

05/12/06  
DATE