

# MEMBERSHIP REPRESENTATION HANDBOOK



CALIFORNIA ASSOCIATION  
OF PROFESSIONAL EMPLOYEES  
(CAPE, MEBA, AFL-CIO)

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# Our union makes us strong: A message from our CAPE President



**Dear CAPE members,**

We are proud to provide this CAPE Representation Handbook for you. This guide to your employee rights provides information on how CAPE represents you and the benefits of your union membership.

Please take some time to read this important handbook, and keep it with you at your workstation for reference purposes. Our goal in providing you with this information is to show you how CAPE may help gain greater control over your own career and better inform you about how to access CAPE's professional job representation services whenever you need them.

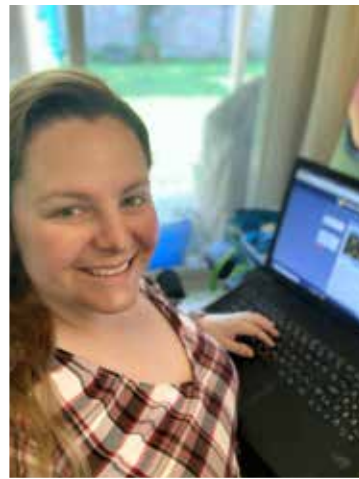
This handbook is a symbol of CAPE's commitment to providing the highest-quality professional job representation available to Los Angeles County employees.

We hope you find this handbook useful as you navigate your way to a successful career with Los Angeles County.

*In solidarity,*

**Carlos Clayton, P.E.**

*President, California Association of Professional Employees (CAPE)*



# Welcome to the California Association of Professional Employees (CAPE)

## **About us**

The California Association of Professional Employees (CAPE, AFL-CIO) represents 2,500 professional employees of the County of Los Angeles. CAPE members perform a wide array of professional public services that improve the quality of life and ensure safety for county residents.

CAPE members are the public infrastructure professionals of Los Angeles County. Our members ensure the safety of Los Angeles County roads, buildings, bridges, and flood-control channels to make sure Angelenos are prepared for earthquakes, fires, and floods. We design and maintain the county's complex telecommunications networks used for disaster response, map out the county's future housing and infrastructure needs, provide wastewater and solid waste management, and assess the value of all business, personal, and residential properties throughout the county, resulting in much-needed revenue for the county's general fund allocations.

## **Our vision**

Unite individual voices to support our members by bringing dignity to the workplace through the strength of solidarity.

## **Notice regarding member-only representation**

As of 2022, CAPE will only provide the following representation services to dues-paying members: Civil Service proceedings (i.e., probationary reductions; claims of discrimination; challenges to promotional exams; challenges to suspensions, reduction, and discharge); Skelly meetings; Interactive Process meetings; and Automotive Safety Committee proceedings. CAPE will still maintain our legal obligation to provide basic representation services for those employees whose classification is represented by CAPE, regardless of their membership status.

# Chapter 1

## Introduction: Accessing CAPE's professional representation services

As a member of the California Association of Professional Employees (CAPE), you are provided 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.

This handbook is intended primarily to introduce you to your rights as an employee and to familiarize yourself with 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 here.

This handbook is intended only 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 handbook as a ready source for you to refer about problems that may arise during your employment. When faced with a specific employment problem, you are encouraged, after referring to this guide, to call the CAPE office immediately to discuss your employment problem in detail with one of our experienced Business Agents.

CAPE Business Agents may be reached by calling the CAPE office's direct line at **(626) 243-0340**.

Download a Copy of Our  
CAPE Contract/MOU at  
**[CAPEunion.org/contracts](http://CAPEunion.org/contracts)**

# Chapter 2

## CAPE member-only services

As union members, we have a say in the important decisions that affect our jobs, and because we have a voice, we do significantly better than those who are not part of a union. Everything we accomplish as a union comes from CAPE members working together.

Membership gives you a direct role in voting for our union's Board of Directors and ratifying our union's contract. It empowers us to determine our union priorities, and it creates the leverage to be successful at the bargaining table.



A strong membership base gives us the power to stand together to defend our benefits from constant attacks.

As a member of CAPE, you have access to the union's legal department or professional representatives who have experience defending your rights in the areas that matter most: discipline, Skelly hearings, claims of discrimination, challenges to promotions, etc.

Membership gives us the opportunity to shape the future we want for our family, friends, and community and provides us with access to the tools for developing our leadership to defend our future.

## Being a union member makes a big difference

### MEMBER

- Assistance in contractual and noncontractual issues
- Civil service representation in discrimination claims, discipline, and promotional claims (with the support of the CAPE Board of Directors)
- Eligibility to enroll in the CAPE/Blue Shield plans, which offer competitive rates and flexible benefits packages (HMO, PPO, and out-of-network coverages)
- Representation in probation reductions
- Assistance with discrimination claims
- Support with challenges to promotional exams
- Affordable group rates and discounts
- \$30,000 life insurance policy at no additional fee
- An additional \$20,000 Survivor Benefit for members who participate in a CAPE Blue Shield Choices plan
- Leadership and career development opportunities
- A voice and a vote on negotiating your contract

### NON-MEMBER

- You only receive assistance in contract related issues, such as grievances
- One-time union representation provided if you have an initial investigatory interview
- No representation in probation rejection challenges, promotion appeals, or discrimination appeals

## General services provided by CAPE

### Workplace retaliation

As a member of CAPE, 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 being a volunteer CAPE Delegate, on a negotiating team, on a committee, or on the Board of Directors, 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; file a request for a position classification study; to make a safety complaint; or to file a mileage claim pursuant to the MOU.
- You have the right to pursue claims before other County agencies, without being subject to retaliation, such as an appeal to the County's Director of Personnel or Civil Service Commission, as provided by the County's Civil Service Rules, or make a claim with the County's Employee Relations Commission, as provided by the County's Employee Relations' Ordinance.
- You have the right to participate in union activities (meetings, unity breaks, petitions, pickets) on your own time without being subject to retaliation.

Each type of retaliatory action has its own avenues for redress available, with specific rules and regulations that apply. These avenues provide you and your fellow bargaining unit members with defined opportunities to prevail over County department managers if your rights or provisions of our MOU have been infringed upon.

CAPE's representation services staff has expertise in these rules and regulations to make sure your interests are protected.

If you feel your management is retaliating against you as a result of engaging in such protected activities, call the CAPE office immediately for assistance.

There are a variety of different time limits for filing a remedial action depending on the activity in which you were engaged.

## Representation

**Filing a grievance:** You have the right to file and pursue grievances and to have representation for such grievances. You are entitled to representation by CAPE, a coworker, or outside counsel, or you can represent yourself.

A grievance is your principal mechanism for enforcing your contractual rights negotiated by CAPE with Los Angeles County. Our Memorandum of Understanding (MOU) contains language that identifies the standard 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 types include but are not limited to:

- Claiming an annual Performance Evaluation should be improved,
- Challenging a minor disciplinary action,
- Resolving reimbursement disputes,
- Challenging an involuntary transfer, or
- Denial of Additional Responsibilities Bonus/Out of Class request.

**Timelines are very important:** In order for grievances to be considered timely, they must be filed within ten (10) business days of the occurrence of the matter on which a complaint is based, or within ten (10) business days of you learning about such an occurrence. Business days are Monday through Friday.

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.



## Group representation

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

1. **Grievance-General in Character:** This article of our contract/MOU allows defined groups to raise a violation of a provision of our MOU with management.

The time limits for filing a grievance apply here as they do for individual employees in the previous 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 ascertaining any knowledge of the occurrence of the matter.

2. **Meetings to consult or confer with management:** When management's decisions and actions affect a group of employees, CAPE has a right to "meet and consult" about the practical impact on concerned CAPE members. Furthermore, when employee wages, hours, and conditions of employment are affected, CAPE has the right to negotiate on the subject.

Examples of such issues include changes in classification specifications and policy changes that affect CAPE-represented employees.

If you are part of a group of employees who believe they are adversely affected by management actions, you should contact a business agent by calling the CAPE office.

## Investigation representation

**As the "subject" of an investigation:** Most employees first become aware that they are being investigated for allegation(s) of misconduct when they are contacted by either representatives of their department's personnel division, the County's Auditor-Controller's Office, or the County Equity Oversight Panel investigator, 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 whether or not the questions they have for you may result in disciplinary action against you. You have the right to request representation by CAPE if you have reason to believe the meeting will require you to answer questions that may result in disciplinary action against you.

For example, if you ask, "Could any of my answers to your questions result in discipline?" and the interviewer responds with 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 Rights.

Management is under no obligation to advise you of your right to have such representation being present at the meeting. Therefore, you must inform management that you are exercising your right to request union representation. **After you inform management, 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 overstated. 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 that 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 Rights early and carefully upon being asked to participate in an investigation. Please visit the CAPE website for additional information of your Weingarten Rights at [capeunion.org/your-weingarten-rights](http://capeunion.org/your-weingarten-rights).

Call your CAPE business agent for any representation matters or questions about your rights 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 who is a county employee or anyone involved with the incidents being investigated. Your discussions may lead investigators to claim 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:** 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 if management chooses to attempt to implement disciplinary action against you.

To access CAPE representation and/or to get advice on your options for challenging the disciplinary action, 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. **Warning: There are very short time limits to challenge proposed discipline or the discipline to be imposed.**

Normally, the notice 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.

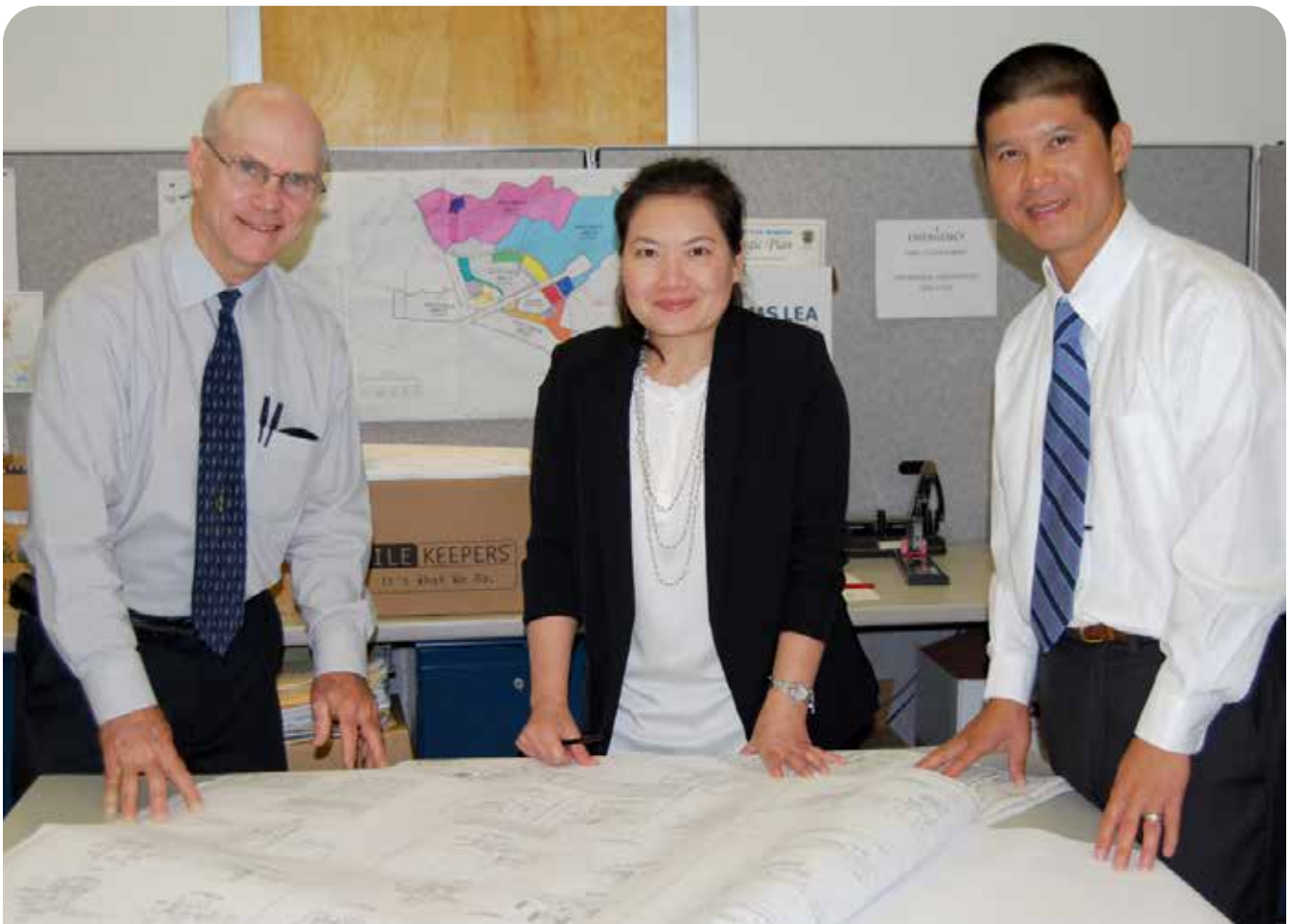
**CAPE strongly recommends** you request a CAPE business agent to schedule a face-to-face meeting with the designated management representative to discuss the proposed disciplinary action rather than submit a written response. CAPE's experienced professional staff can make effective, persuasive presentations that may increase the chance that either management does not take the proposed disciplinary action against you or substantially reducing the proposed disciplinary action or agrees to arbitration. It has been our experience that submitting a written response does not convince management to reconsider the proposed disciplinary actions.

Furthermore, if you pursue a Civil Service Appeal, your case could be severely adversely affected by management's cross-examination of you at the hearing if there are any inconsistencies or gaps between your testimony and your previous written statement.

**CAPE member benefit covering civil service representation in disciplinary appeals:** CAPE provides members in good standing, upon request, representation in appeals of such discipline before the Civil Service Commission.

To access Civil Service representation, you must meet a strict time deadline. You must call the CAPE office to request our representation and provide us with 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).

For CAPE representation, call your 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 4

### Representation services offered only to CAPE members

CAPE provides representation services upon your request as a benefit of your membership in three (3) areas outside of severe discipline (covered in the previous chapter) that are within the jurisdiction of the County's Civil Service Commission.

These are:

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

You must contact a CAPE business agent to request representation **within two (2) business days** of receipt of any information regarding management's action to reduce you during the probationary period or after a promotion, or to challenge an aspect of a promotional exam for advice.

Due to the very short time period, the Civil Service Rules provide only **ten (10) business days** for you to file the relevant initial documents. 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 areas.**

Call (626) 243-0340 and ask to speak with your Business Agent.

## Additional member-only representation services

CAPE provides representation upon your request in three (3) other subject areas:

- Career counseling
- Interactive processes
- Automotive safety committee reviews

These value-added benefits of membership have significantly aided many members facing difficult employment problems.

**Career counseling:** Many members contact CAPE with concerns about achieving their career goals. CAPE has more than 50 years of experience in providing effective advice and sometimes directly creating opportunities for our members to achieve their career goals.

CAPE has also assisted members who have found themselves on the verge of having problems with their management threatening potential for future problems and even threatening their continued employment. In some instances, CAPE is able to work with management and the member to resolve the problem. In these cases, we've also provided guidance to members on the tools they need to resolve the problem.

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

**Interactive process:** Members with a doctor's note stating they suffer from a condition that makes them unable to perform all of the duties of their position may request an Interactive Process meeting with CAPE representation to discuss reasonable accommodations to allow them to continue performing the duties of their position.

When a member needs accommodation, their department assesses the operational feasibility of making such accommodations after the member participates in an Interactive Process meeting. CAPE plays an important role in negotiating potential accommodation scenarios for the member.

In order to access CAPE representation for an Interactive Process meeting, a member needs only to contact the CAPE office and request to speak to a business agent upon learning that accommodations at work will be necessary.



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

The committee's duty is to assess whether you were at fault in an incident or accident while you were driving a county vehicle. Discipline may result from these meetings. It is valuable to have a CAPE representative present who is well aware of complications that may arise in this process.

To access representation at an Automotive Safety Committee meeting, contact your business agent at the CAPE office as soon as possible upon receiving a request to appear.

## Chapter 6

### Contact us: We're here to help

In any case in which you might require CAPE's professional representation services, it is better to be safe than sorry. Please call CAPE immediately for help. Our trained professionals are here to serve you.

**CAPE office: (626) 243-0340**

Contact a business agent, request representation, ask general questions, or access additional benefits information.

**CAPE fax: (626) 243-0368**

**CAPE eFax: (626) 243-0987**

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

**CAPE general email: [info@capeunion.org](mailto:info@capeunion.org)**

You can email us your comments, concerns, or requests; however, in the case of an urgent matter, call the main office number.

**CAPE website: [www.capeunion.org](http://www.capeunion.org)**

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

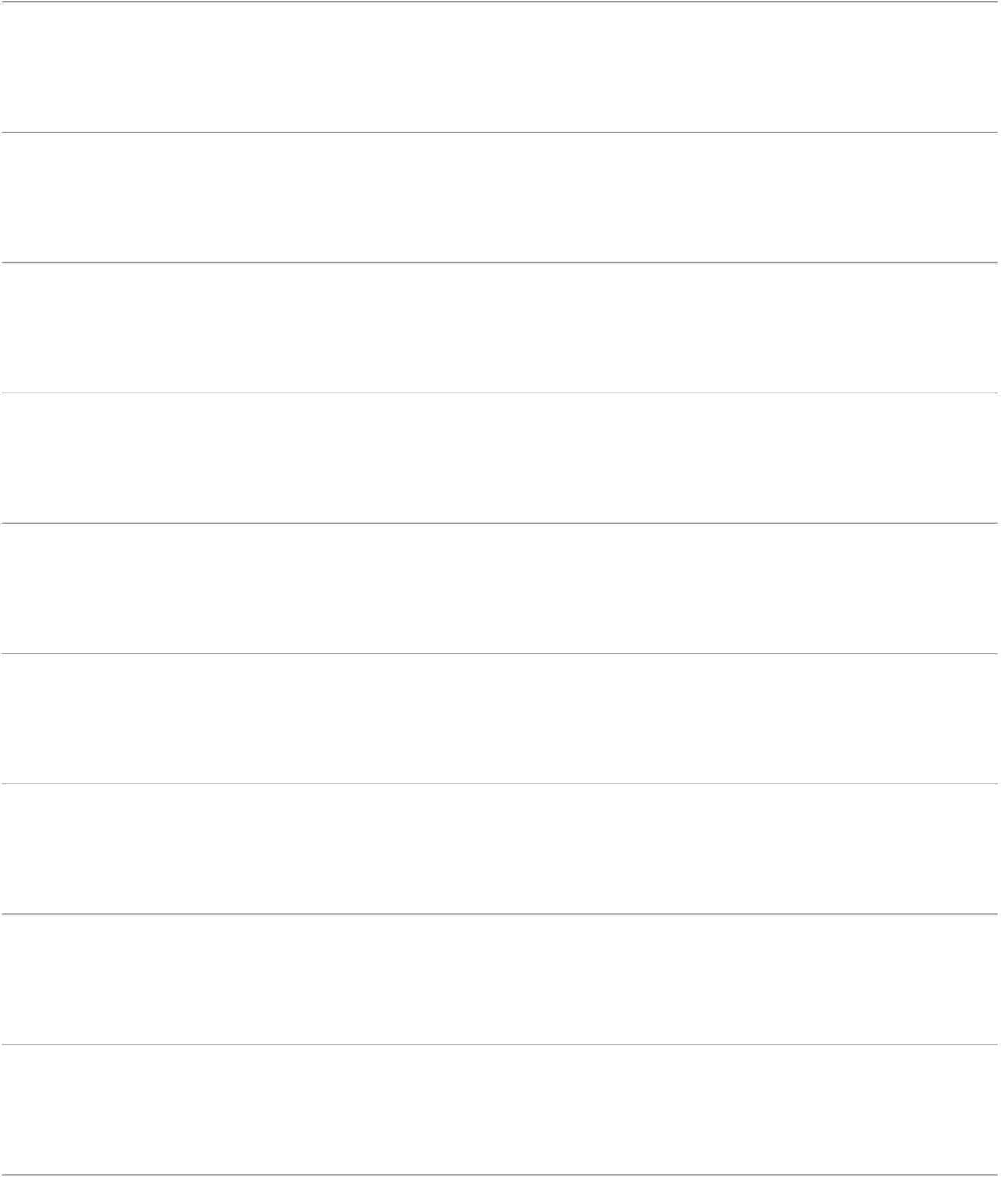
**CAPE Benefits Trust: (800) 487-3092**

Call for questions about your CAPE/Blue Shield coverage and additional benefits.

**UNION PRIVILEGE PROGRAM:  
[www.unionplus.org](http://www.unionplus.org)**

Discover programs (mortgage, credit card, AT&T), deals, and discounts for union members only.





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