



**ASSOCIATION OF CLASSIFIED EMPLOYEES (ACE)
REPRESENTATION POLICY – ADOPTED JULY 28TH 2010**

Representation is the means by which the exclusive bargaining representative (ACE) makes its resources available in order to ensure a fair, full review of any infringement of the rights of an employee or group of employees represented by the ACE, regarding their wages, hours of work and other conditions of employment described in the collective bargaining agreement (contract) between the ACE and college district, the Educational Employment Relations Act, commencing with Section 3540 of the Government Code (EERA), and other laws of the State of California that apply to classified school employees in a community college district, subject to the following:

1. Arbitration of grievances is not automatically afforded and will only be provided in those cases determined by the ACE to have merit.
2. ACE representation in a court of law is not automatically afforded and will only be provided in those cases determined by the ACE to have merit.
3. The right to be represented by the ACE is subject to the financial ability of the ACE and, to such specific limitations as may be imposed by the ACE and, is further subject to a formal request for representation from the employee(s) seeking ACE representation and, a review of the matter for which the employee(s) seek representation, to determine whether or not the matter has merit.
4. The ACE provides fair representation in good faith within the limitations set forth in this policy, to all employees in the ACE bargaining unit, in all employment related matters, by a representative appointed by the ACE, subject to the following:
 - a. Representation shall not be provided by the ACE for matters resulting from events occurring prior to the date of ACE membership or becoming a member of the ACE bargaining unit, whichever comes first.
 - b. The ACE is not obligated to file every grievance on behalf of an employee or group of employees, and is not obligated to take any grievance it does file or that is filed by an employee or group of employees, to arbitration.
 - c. Legal representation shall not be provided in workers' compensation matters.
 - d. The ACE has the right to make fair and impartial decisions regarding the merits of all requests for representation, including but not limited to:



- (1) Undertaking representation.
- (2) Discontinuing representation.
- (3) Recommending that a matter be settled prior to exhaustion of the applicable administrative procedure;
- (4) Refusing to continue representation in the event that its recommendation to settle the matter is not satisfactory to the employee(s) involved;
- (5) Seeking judicial relief and redress for a particular matter in addition to or in lieu of representation through any or all of the available administrative procedures;
- (6) Discontinuing its representation in judicial proceedings at any point to their exhaustion;

5. Types of Representation

- a. Representation services consist of advice, counsel, and assistance rendered by persons authorized by the ACE and, may include investigation, negotiation and settlement as well as appearance before administrative, judicial or legislative tribunals.
- b. Indemnity consists of money payment in reimbursement of either a portion or all of actual and necessary representation cost by the employee(s) being represented however, the ACE will not indemnify anyone for costs or expenses incurred without prior written authorization by the ACE president pursuant to prior official action authorizing such indemnification by the ACE executive board.
- c. The ACE does not provide representation before licensing or examining boards.
- d. The ACE does not provide representation in any matter not expressly related to employment with the district in the ACE bargaining unit.

6. Requests for Representation

All requests for ACE representation shall be accompanied by a standard representation form provided by the ACE, completed, signed and dated by the employee(s) requesting ACE representation, and which:



- a. Acknowledges that the ACE may review the case for merit before any representation is undertaken.
- b. Acknowledges that no representation in an arbitration or court of law will be undertaken unless approved in advance by official action of the ACE executive board and authorized in writing thereby.
- c. Authorizes full disclosure of information concerning the case to the representation appeals committee of the ACE in the event an appeal is taken to such body.
- d. Acknowledges that the ACE will be the exclusive representative of the employee(s) in the case and that if any other representation is retained the ACE may, at its sole and exclusive discretion, thereby be relieved of any representation obligation pertaining to the case.
- e. The ACE representative for the case may refer the case to the Representation Appeals Committee, which is made up of the three chief stewards, the President and the labor consultant, of the ACE to determine whether or not representation is to be afforded prior to any further action (other than filing an appeal to preserve the employee's appeal rights). Those matters for which representation is granted shall be directed the appropriate ACE representative for specific action in accordance with the decision of said committee.
- f. A record of all requests for representation shall be maintained by the ACE in its official files and, such records shall be adequate and sufficiently complete so as to advise the representation appeals committee of the name of the employee(s) making the request for representation, the nature of the request, the date upon which the request was received and the disposition of the request.

7. Denial of Representation

It is the policy of the ACE to deny representation in the following situations:

- a. Disciplinary action arising from unapproved job actions and concerted activity.
- b. When such representation would conflict with the best interests of the ACE or require the ACE to take a position in any manner inconsistent with established positions and policies of the ACE.
- c. When such representation would result in a conflict of interest for the ACE representative; indemnity for representation costs may be authorized pursuant to this policy if prior approval is obtained from the ACE.



- d. When the matter appears to lack factual or legal merit.
- e. When the ACE determines the employee(s) requesting representation have another representative in the same matter.

8. Review of Decision

The representation appeals committee of the ACE shall review each case and decide if representation should be denied. In those cases where the committee denies representation, it will forward its decision to the member with notice that its decision may be appealed to the Executive Board.

- 9. Said employee shall have the right to have the matter appealed to the ACE Executive Board, whose decision shall be final and binding on the request for representation.