

Member Rights

It's important as PSEA members to understand your rights in the workplace. Educators and support professionals have basic legal rights to safe, healthy, and fair conditions at work.

You have the right to form, join, and support unions. You are protected from employer and union discrimination, also known as unfair labor practices.

PSEA's Legal Division will defend your rights and help to make sure your rights as a school employee are protected. If you feel that your rights have been threatened, contact your UniServ representative.

Union Representation

Employees have the right to representation when called to a meeting by administrators in certain circumstances. "Weingarten rights" give employees the right to request union representation during a meeting if the following conditions are met:

- The meeting is an investigatory interview.
- The employee reasonably believes that disciplinary action may result from the meeting.
- The employee requests representation.

Weingarten Rights

"If this discussion could lead to my being disciplined or terminated, I respectfully request that my association representative be included in the meeting. Without representation, I choose not to answer any questions."

If an advocate is not available, an employee can ask that the meeting be postponed.

Due Process

Public employees are entitled to a due process hearing before the employer makes a decision to terminate the employee. This is called a Loudermill hearing.

Employees cannot be required to attend a Loudermill hearing. However, employees may be required to attend investigatory hearings.

PSEA advises any member called to a Loudermill hearing to contact his or her UniServ representative immediately.

Loudermill hearings

A Loudermill hearing provides the employee with the following:

- Notice of the charges against him/her
- A summary of the evidence
- The opportunity to respond

Family & Medical Leave

The Family and Medical Leave Act (FMLA) allows eligible employees to take unpaid leave with job protection under certain circumstances. Most school employees who have been employed for at least 12 months are eligible for FMLA.

Eligible employees may take up to 12 weeks of unpaid leave in a 12-month period for one of the following reasons:

- Birth of a child and to care for the newborn child within one year of birth
- Placement of a child for adoption or foster care
- Care for a spouse, child, or parent who has a serious health condition
- A serious health condition that renders the employee unable to work
- Reasons related to the call of active duty of a covered service member, which includes spouses, children, or parents

Eligible employees may take up to 26 weeks of leave in a 12-month period to care for a seriously injured or ill covered service member.

PA Right to Know Law

Pennsylvania's Right-to-Know Law provides public access to the records of public school districts, intermediate units, charter schools, and public trade or vocational schools, along with courts and state agencies.

The law defines a "public record" as any information that documents a transaction or activity of the agency, and information that is created, received, or retained by law or in connection with the business or activities of the agency. This information can be in any form – paper or electronic. The law is very broad in scope, and would include many records created or received by individual public employees.

Find complete information in this PSEA Legal Advisory.

Unfair Labor Practices

Pennsylvania's Public Employee Relations Act (Act 195) governs relationships between public-sector employers and employee organizations.

Act 195 states that public employers, their agents, or representatives are prohibited from engaging in "unfair labor practices."

Examples of unfair labor practices by an employer:

- Unilaterally declaring a position to be out of the bargaining unit
- Discriminating or retaliating against anyone based on the person's protected union activity
- Unilaterally diverting bargaining unit work to non-bargaining unit personnel, whether through subcontracting, asking for volunteers, or assigning people from other bargaining units to perform the work
- Unilaterally changing a term and condition of employment.

A local association must file the charge of unfair labor practices with the Pennsylvania Labor Relations Board (PLRB) within 120 days of when it knew or should have known of the violation.

If you believe that your employer or one of its representatives has engaged in unfair labor practices, immediately notify your local association leadership and/or your PSEA UniServ representative.