

## UNION'S ROLE IN CONNECTION WITH INVESTIGATIVE EXAMINATIONS

UNIONS CAN	UNIONS CANNOT
Designate its own representative to represent the employee at the exam, absent special circumstances	Designate a representative whose participation as a representative will interfere with the employer's interest in achieving the objective of the investigation or compromise its integrity
Ask management for a short delay so that a representative versed in the subject matter of the exam may attend to represent the union	Unreasonably delay the exam because a particular representative is not able to attend at the scheduled time Insist that more than one union representative attend
Ask management what the investigation is about	Demand that all questions to be discussed or documents to be referred to at the meeting be given first to the union representative before the meeting
Briefly consult with the employee before the exam	Delay the exam
Raise relevant facts and issues related to the investigation	Hide or confuse facts, mislead the investigators or delay or impede the investigation
Clarify questions being asked to ensure the employee understands the question	Answer the questions for the employee or repeatedly interrupt the questioning of the employee
Represent the interests of the bargaining unit and assist the employee in raising all relevant facts and issues	Raise issues that are not related to the investigation so as to disrupt, delay or impede the exam  Engage in an argument with the management officials conducting the meeting which interferes with the purpose of the exam
Elicit favorable facts and extenuating circumstances	Take charge of the meeting so as to disrupt, delay or impede the exam
Consult with the employee during the examination	Disrupt, impede or delay the exam; or answer questions for the employee
Ask questions concerning the matter being discussed	Act in a manner that: interferes with achieving the objective of the exam; damages the integrity of the investigation; or creates an adversarial contest
Propose to negotiate, at the applicable time, over the manner in which the investigatory examination right will be implemented by the parties	Insist that the investigatory examinations be conducted in a particular manner as decided by the union