

2013

Know Your Weingarten Rights

What is Weingarten?

An employee may be represented by the union at an investigatory interview with his/her supervisor when the employee reasonably believes that the interview may lead to a disciplinary action. This right was announced by the U.S. Supreme Court in 1975 in *NLRB v. J. Weingarten, Inc.* This case involved a clerk being investigated by the Weingarten Company.

"if this discussion could in anyway lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Until my representative arrives, I choose not to participate in this discussion."

These rights have become known as Weingarten Rights.

An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or his or her conduct. When this occurs the following rules apply:

1. Request a UNAC/UHCP Representative, Management must ensure a Representative is supplied upon request.
2. BEFORE YOU ANSWER ANY QUESTIONS, YOU HAVE THE RIGHT:
 - a. to know who is your accuser
 - b. what specific rule you're accused of violating
 - c. review documentation management may have against you.
 - d. time to confer with your Representative.
3. Don't answer anything if a Representative is not provided, just keep the chair warm.

Why is this Important?

- The role of the union rep/steward is to be an advocate for the employee being questioned.
 - o Stop the supervisor from misleading, harassing, or abusing the member.
- Someone to take notes on what is said and who said it.
 - o Assist in keeping facts straight.
 - o A witness to the conversation.

You should always ask for a Union Representative at investigation meetings with management.



Bakersfield | Downey
 Baldwin Park | Fontana
 Independence Park
 Ontario | Orange County
 Panorama City | San Diego
 Riverside | South Bay
 Sunset | West Los Angeles
 Woodland Hills | Region

**TAKE CHARGE:
KNOW YOUR UNION CONTRACT**

