



## *Weingarten Rights*

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You have the legal right to have a union representative present during a disciplinary interview.

Under the Supreme Court's 1975 Weingarten decision, the following rules apply when an investigatory interview occurs. An investigatory interview is defined by:

1. Management questioning an employee to obtain information
2. The employee having a reasonable belief that discipline may result from what he or she says

Rule 1: The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

Rule 2: After the employee makes the request, the employee must choose from among three options.

The employer must either:

- a. Grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee; or
- b. Deny the request and end the interview immediately; or
- c. Give the employee a choice of:
  1. Having the interview with representation; or
  2. Ending the interview

Rule 3: if the employer denies the request for union representation and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

The employee must request union representation. The employer has no obligation to inform the employee of his/her right to a union representative present.

The employee should say something to affect to their employer before an interview:

If this discussion could in any way 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 the meeting.