

Weingarten Rights

Weingarten Rights: Your right to representation

Weingarten Rights – your right to representation when brought before management on possible disciplinary charges – is based on a 1975 U.S. Supreme Court decision initiated by organized labor (NLRB v. J. Weingarten). Although Weingarten rights were developed for unionized private sector workers, these same rights have been extended to California state workers in a series of legal decisions in the courts and before the Public Employment Relations Board (PERB).

If you are ever called into a meeting with your supervisor or manager and believe the meeting or the information gathered in the meeting may result in discipline, you have specific representational rights; these rights are summarized below:

- You have right to have a union steward present.
- If you want a steward present, you must ask for him or her.
- If you do not know why your manager wants to meet with you, ask him/her if it is a meeting that could result in discipline.
- If your manager refuses to allow you to bring a steward, repeat your request in front of a witness. Do not refuse to attend the meeting, but respectfully decline to answer questions until your union representative is present.
- You have the right to speak privately with your steward before the meeting and during the meeting.
- Your steward has the right to play an active role in the meeting – she or he is not just witness.
- If your manager denies the request for union representation and directs you to answer questions even without your steward present, he or she is committing an unfair labor practice and the employee has the right to refuse to answer. Any discipline taken under these circumstances could be challenged as improper at PERB.

This statement could save your job:

If this discussion could in any way lead to my being disciplined or terminated I respectfully request that my steward be present at the meeting before I answer any questions. Without representation present, I choose not to respond to any questions or statements.

How to Take Action:

Contact your local 1000 steward if you feel these rights have been violated. Your steward will work with you, management and your contract to determine the best course of action, including whether or not to file a grievance.

Union Resource Center: 866.471.SEIU (7348) • Website: seiu1000.org

Connect with Local 1000 online