

Weingarten Rights

Union Members: If called into an investigatory interview DO NOT ask management if you need a Union Representative. Instead, read management the following statement:

I have reason to believe that this investigatory interview may lead to disciplinary action against me; therefore, in accordance with my rights under the National Labor Relations Act, I request that this interview not begin until:

My Union Representative is present,

- I am advised of the subject and purpose of the interview, and
- I have had an opportunity to consult with my Union Representative.

What is an "Investigatory" Interview?

An "investigatory" interview occurs when:

- Management questions an employee to obtain information, and
- The employee has a reasonable belief that discipline may result.

What Rules Apply to Investigatory Interviews?

The employee being questioned may request union representation before or at any time during the interview. When an employee requests union representation, the employer must then choose from among three options:

- Grant the request and delay questioning until the union representative arrives
- Deny the request and end the interview immediately

Give the employee the choice of:

- having the interview without representation, or ending the interview

Union Steward Rights during an Investigatory Interview:

- The Supervisor must inform the Steward of the subject matter of the interview; the type of misconduct being investigated
- The Steward must be allowed to have a private meeting with the employee before questioning begins

- The Steward can speak during the interview, but cannot insist that the interview be ended
- The Steward can object to a confusing question during an interview and can request that the question be clarified so that the employee clearly understands what is being asked
- The Steward can advise the employee not to answer questions that are abusive, misleading, badgering, or harassing

When questioning ends, the Steward can provide information to justify the employee's conduct.