
Your Weingarten Rights

Weingarten rights guarantee an employee the right to union representation during an investigatory interview by the employer. 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 her conduct. If the meeting could in any way lead to the employee being disciplined or terminated, or affect his or her working conditions, he or she should respectfully request that a union representative or officer be present at the meeting. If representation is requested and denied, the employee may choose not to answer any questions.

A principal or other administrator is not required to inform the employee of his/her Weingarten rights; it is the employees responsibility to make the request. When the employee makes the request for a union representative to be present, a principal has three options:

- (1) to stop questioning until the representative arrives;
- (2) to call off the interview or,
- (3) to tell the employee that he or she will call off the interview unless the employee voluntarily gives up his/her rights to a union representative (an option the employee should always refuse.)

Employers will often assert that the only role of a union representative in an investigatory interview is to observe the discussion. The Supreme Court, however, clearly acknowledges a representative's right to assist and counsel workers during the interview. The Supreme Court also ruled that during an investigatory interview, management must inform the union representative of the subject of the interrogation. The representative must also be allowed to speak privately with the employee before the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics.

While the interview is in progress, representatives cannot tell employees what to say, but they may advise how to answer a question. At the end of the interview the union representative can add information to support the employee's case.

Please never hesitate to enlist the support of your building representative or Association officers if we may be of assistance. If you ever believe that a meeting with a principal or administrator may result in discipline or termination, bring union representation with you to the meeting.