

Weingarten Rights

(If called to a meeting with management, read or say the following when the meeting begins)

“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 this meeting. Until my representative arrives, I choose not to participate in this discussion.”

The Beginning of Weingarten Rights

NLRB v. J. Weingarten (1975): US Supreme Court grants the right of a private-sector employee to be accompanied by a co-worker or union representative during a disciplinary interview.

What You Need to Know...

- ❖ In order for Weingarten rights to be triggered, the employee must request the representation.
- ❖ Management has no obligation to remind the employee of his/her Weingarten Rights.
- ❖ An employee can request union representation before or at anytime during the interview.
- ❖ Rights extends only where the employee reasonable believes that disciplinary action may result.
- ❖ Facility Reps should make sure members understand that if any discussion with management – from a closed door meeting to a conversation with a supervisor on the job – could lead to the possibility of discipline, they should ask immediately for a steward.
- ❖ An employer fulfills their Weingarten obligations simply by permitting the representative to attend the meeting.
- ❖ Also, Weingarten does not apply where the employer already has made its decision before the meeting and is simply announcing (without asking questions or investigating) a disciplinary decision.
- ❖ Weingarten rights apply only during investigatory interviews. An investigatory interview occurs when: Management questions an employee to obtain information and the employee has a reasonable belief that discipline or other adverse consequences may result.

When the Facility Representative Attends a Meeting...

The Manager must inform the Facility Rep of the subject matter of the interview.

Facility Reps must be allowed to advise and assist the employee in presenting the facts.

They may be allowed to have a private meeting with the employee before questioning begins and discuss what questions may be asked.

They may also advise the employee to be careful – that anything they say could be used against them.

They may warn the employee not to volunteer information, to keep answers short, and to stay calm.

The Facility Rep can speak during the interview, but cannot insist that the interview be ended.

The Facility Rep should take notes on what is said and who said it.

Remind the employee that he/she is not alone... KPNAA is there to support them.

As a Facility Representative, your power includes:

- ❖ Stopping the manager from misleading, harassing or abusing the member.
- ❖ Asking the manager to clarify any questions the member does not understand.
- ❖ Advising the member on how to answer a question.
- ❖ Providing the manager with additional information when questions have ended.
- ❖ Requesting a recess during a meeting if you need more time to talk privately with a member.
- ❖ Requesting that the meeting be continued another time if information is presented that required additional investigation or preparation.
- ❖ When questioning ends, the Facility Rep can provide information to justify the employee's conduct.

As a Facility Representative, you cannot:

- ❖ Negotiate over the subject of the meeting.
- ❖ Have the right to tell a member not to answer a question or to give untrue answers.

What if a Facility Representative is not available?

- ❖ Another rep or KPNAA officer can be asked to attend.
- ❖ Employees have the right to ask for a particular union representative, if both are equally available.
- ❖ Local officers and stewards also have the right to be represented.
- ❖ If a Facility Rep is out sick, the Manager does not have to delay an investigation if other representatives are available to assist the employee at the interview.