



It is important to not go alone to discussions with employment supervisors if discipline may develop

Know Your Rights

From the Supreme Court 1975 decision in the Case of NLRB (National Labor Relations Board) vs. J. Weingarten, Inc., come a "Miranda Warning" and "Bill of Rights" that apply to all of us when we are being quizzed in an "investigatory interview" or any other time we are asked questions by management and discipline might result. The court's rationale is that an employee being interviewed might be intimidated and, therefore, may not raise facts in his or her (own) favor during an investigatory interview. These Weingarten Rights don't apply to a meeting where discipline has been determined and the meeting is merely to inform employee of the decision.

An investigatory interview occurs when management 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. **You have a right to Union representation** if you reasonably believe the investigation will lead to disciplinary action against you.

FIRST,

You must make a clear request for union representation ***before or during*** the interview. If you don't, in effect you have waived (given away) your Weingarten rights for that interview.

THEN,

Once you have asked for Union representation, management may choose from the following options.

1. Grant the request and delay questioning until your union representative arrives and has a chance to consult with you *privately*.
2. Deny the request and end the interview immediately.
3. Give you the choice of having the interview ***without*** representation or ending the interview with the investigation continuing.

You **MAY NOT** refuse to leave the work area until the Union representative arrives.

If you feel your Weingarten Rights are being violated, don't be insubordinate, but write down all the particulars of the situation (those of the "incident" itself and the "interview" date time, and who denied your right etc.) Give this information to your Local Chairperson.