In 1975 the United States Supreme Court, upheld a National Labor Relations Board decision that employees have a right to union representation at investigatory interviews. These rights have become known as the Weingarten Rights.

During an investigatory interview, the Supreme Court ruled that the following rules apply:

**Rule 1:** The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

**Rule 2:** After the employee makes the request, the employer must choose from among three options:

- grant the request and delay questioning until the union representative arrives and (prior to the interview continuing) the representative has a chance to consult privately with the employee;
- deny the request and end the interview immediately; or
- give the employee a clear choice between having the interview without representation, or ending the interview.

**Rule 3:** If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

A typical statement to invoke your Weingarten Rights is:

"If this discussion could in any way lead to me being disciplined, terminated, or affect my personal working conditions, I respectfully request that my union representative, officer or steward be present at the meeting. Without representation, I choose not to participate."

During the interview:

1. The Supervisor must inform the Steward of the subject matter of the interview; the type of misconduct being investigated
2. The Steward must be allowed to have a private meeting with the employee before questioning begins
3. The Steward can speak during the interview, but cannot insist that the interview be ended
4. 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
5. The Steward can advise the employee not to answer questions that are abusive, misleading, badgering, or harassing
6. When questioning ends, the Steward can provide information to justify the employee's conduct

**In addition to your Weingarten Rights, the Local 1776 contact under Article 29, Section 4 states that:**

When an investigation may lead to the discipline of an employee, the supervisor shall advise the employee that he or she may be accompanied by a Union representative.

This means that, in addition to your Weingarten Rights, the supervisor must inform the employee that they have the right to union representation. However if they do not inform you of your right to representation remember to invoke your Weingarten Rights.

In Solidarity,

Joseph Malinowski
President

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1. This is when management questions an employee to obtain information, and the employee has a reasonable belief that discipline may result