

UMass Employee's Local 1776 Council 93/AFSCME, AFL-CIO

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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:

- (1) My Union Representative is present,
- (2) I am advised of the subject and purpose of the interview, and
- (3) I have had an opportunity to consult with my Union Representative.

What is an "Investigatory" Interview?

An "investigatory" interview occurs when:

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

What Rules Apply to Investigatory Interviews?

- (1) The employee being questioned may request union representation before or at any time during the interview
- (2) When an employee requests union representation, the employer must then choose from among three options:
 - (a) Grant the request and delay questioning until the union representative arrives
 - (b) Deny the request and end the interview immediately
 - (c) Give the employee the choice of:
 - * having the interview without representation, or
 - * ending the interview

Union Steward Rights During an Investigatory 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