

Frequently Asked Weingarten Rights Questions

Q: Can I have an Association or Shift Representative present at all meetings I have with Management?

A: No, only when you have a reasonable belief that discipline will result from the meeting.

Q: What is an investigatory interview?

A: 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.

Q: Is Management obligated to remind me of my Weingarten rights prior to an investigatory meeting?

A: No, you must request a Representative's presence. Management has no obligation to remind you of your right.

Q: What if I'm told to be in my Supervisor's office at 10am but I do not know the nature of the meeting?

A: You have the right to know what the subject of the discussion will be beforehand; don't be shy about asking. You have the right to consult (caucus) with your Association or Shift Representative before and during the meeting if discipline is an issue.

Q: What if a routine work meeting is taking place between my Supervisor and me, but the nature of the meeting suddenly changes?

A: You have the right to stop the meeting and call in an Association or Shift Representative at the any point if you believe you are being asked questions that could result in discipline. You cannot be punished for requesting a Representative's presence.

Q: If I request an Association or Shift Representative, does the Employer have to comply?

A: Employer must choose from among three options:

1. Grant the request and delay questioning until the Representative arrives and has a chance to consult privately with the employee; or
 2. Deny the request and end the interview immediately; or
 3. Give the employee a choice of having the interview without representation.
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Q: What is the role of an Association or Shift Representative in an investigatory meeting?

- A:**
1. When a Representative arrives, the Supervisor must inform him/her of the subject matter of the interview, i.e. the type of action/misconduct for which discipline is being considered.
 2. The Representative must be allowed a private pre-interview conference before the questioning begins.
 3. The Representative must be allowed to speak during the interview.
 4. The Representative can give advice on how the employee should answer questions.
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Q: What if a Supervisor denies my request for an Association or Shift Representative?

A: If you are denied a Representative's presence and are still asked questions, the Employer commits an unfair labor practice and the employee has a right to refuse to answer. The supervisor cannot discipline the employee for such a refusal.

Q: Can a Supervisor direct which Representative is to be present?

A: No, it is solely the responsibility of the member to secure such representation; however, questioning can not be unreasonably delayed to secure the services of a particular Representative.

Q: How did Weingarten Rights come to exist?

A: In 1974 a counter clerk who worked for the J. Weingarten store in Houston, Texas, was questioned by her Employer for alleged theft. Although she was cleared in the investigation, she had been denied, after several requests, the presence of her Shop Steward during the questioning. The Union representing her filed an unfair labor practice after the incident and, in 1975, the Supreme Court ruled in the Union's favor. An important new right for workers emerged from this decision: An employee may be represented by the Union at an investigatory interview with his/her employer when the employee reasonably believes that the interview may lead to disciplinary action.

KNOW AND EXERCISE YOUR WEINGARTEN RIGHTS

If you would like, print the below card and carry it with you. You can read it to your supervisor if the need arises.

If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that my Association or Shift Representative be present at the meeting. Without representation, I choose not to answer any Questions.

This is my right under a U.S. Supreme Court decision called Weingarten.