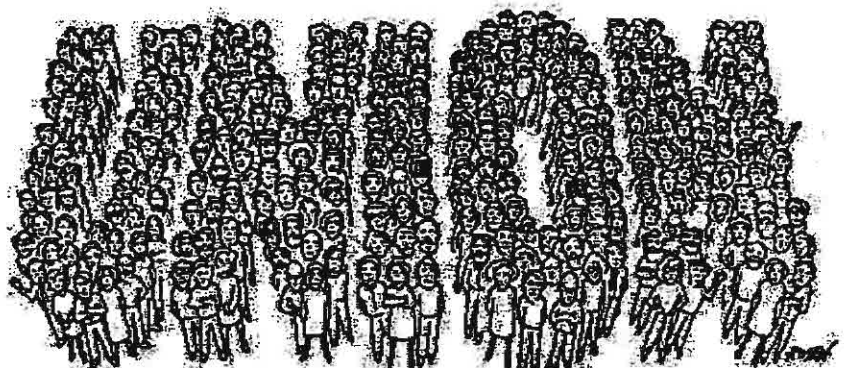


Know YOUR Rights!

Weingarten Rights

If you are called into the office by a supervisor and you believe that you may be disciplined in that meeting, **you should always ask for a shop steward** to be present with you. If one is not available you have a right to request that the meeting be postponed until a representative is available. Once you declare your rights **DO NOT BE INSUBORDINATE!** If you are ordered to attend the meeting do so and ask your shop steward to file a grievance after. If you have questions about your Weingarten rights, contact your business agent.



Weingarten Rights

The term "*Weingarten* Rights" refers to a U.S. Supreme Court decision (420 US 251, 1974) which ruled that an employee has the right to a union representative in any interview the employer might hold that is intended to investigate a possible discipline charge against the employee. Often compared to the *Miranda* rights of criminal suspects charged by the police, there is a crucial difference: unless the union contract requires it, the employer does not have to tell the suspected employee that he or she has this right to union representation.

The employee must ask for the representation!

The *Weingarten* Rights simply put are:

1. The right to be informed, in advance, of the subject matter of disciplinary interviews.
2. The right to union representation at such an interview.

Still there is the question of what to do when these rights are violated. Normally, the rule is to follow orders and file a grievance, or in this case an unfair labor practice charge, afterward. If you are required to attend such an interview, and your request for union representation is denied, the best advice is to attend the meeting but respond to any and all questions by simply repeating your request for representation.

Remember, if your request for union representation is denied,

- Don't refuse or walkout.
- Attend the meeting but repeat your request for union representation.

The role of the union representative in a *Weingarten* meeting:

- Ask for time to talk in private before the meeting;
- Take notes & record the names, dates questions;
- Secure "due process" and fair treatment;
- Be sure that the grievant is not railroaded;
- Object to any attempts to anger or frighten the grievant;
- Call a timeout to caucus or recess as needed;
- Ask for questions to be rephrased or explained as necessary;
- Make no permanent or undo-able decisions at that interview;

Right after the interview, call your union staff.