

Know Your Weingarten Rights

Investigatory Interviews

You have a right to have a union representative present during an investigatory interview. An investigatory interview occurs when a supervisor, manager, official or agent of an agency questions you to obtain information that could result in a disciplinary or other adverse action. Performance review meetings do **not** constitute investigatory interviews.

You will probably not be informed that you have a right to have a Union Steward present at such a meeting. Sometimes a non-investigatory meeting turns into an investigatory interview. If that happens, you may assert your right to have a Union Representative present. (Remember: you can do this **at any point during a meeting/an interview.**)

When you do so, the interviewing official must either:

- (a) grant the request and delay or reschedule questioning until a union representative arrives and has had a chance to consult privately with you;
- (b) deny the request and end the interview immediately; or
- (c) give you a choice of having the interview without union representation or ending the interview.

If your request is ignored and the questioning continues – then an Unfair Labor Practice (“ULP”) has been committed, and you should immediately inform a union official so that a ULP can be filed.

Any time you have a “reasonable belief” that discipline or other adverse consequences may result from how you answer a Supervisor’s questions, you are allowed to ask for your Weingarten Rights.

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Commonly addressed topics, that can lead to discipline:

- Absenteeism or tardiness,
- Rude or “inappropriate” behavior,
- Inappropriate use of government property
- Violation of safety regulations

What to say if you believe that an interview might be (or is starting to become) investigatory:

“If this discussion could lead to my being disciplined, or adversely affect my personal working conditions, then I respectfully request my Union Representative be present, before I answer any questions. “