

WEINGARTEN: RIGHT TO REPRESENTATION

Weingarten rights guarantee a unit member the right to request a union representative during an investigatory interview:

1. Where the unit member has a reasonable expectation that discipline may result.
2. Where the purpose of the meeting is to investigate allegedly inadequate work performance or misconduct.
3. Where the purpose of the meeting is to elicit facts to determine whether or not discipline is warranted or to support a disciplinary decision.
4. Where a unit member is required to explain or defend his/her conduct, which could affect his/her working conditions or job security.

In all of the above, a unit member must request a union representative to be present in order to invoke Weingarten Rights. The employer does not have the responsibility to ask the unit member if the unit member wants a union representative present.

Weingarten rights are not guaranteed:

1. Where the meeting is to discuss work instructions, training, etc.
2. Where the purpose of the meeting is to inform the unit member of a disciplinary decision.
3. Where the employer has clearly and overtly assured the unit member prior to the interview that no discipline or adverse consequences will result.
4. Where the flow of information is one way.