

Weingarten Rights

- The right to union representation at meetings with supervisors when questioning is taking place. These rights arise when:
 1. An employee is subjected to questioning/investigation by a supervisor
 2. The employee reasonably believes that the questioning will result in discipline
 3. The employee requests representation
- These rights can only be invoked during the investigatory phase
- When invoked during an investigatory interview that the employee reasonably believes will result in discipline, the employer/supervisor has 3 lawful options:
 1. Halt questioning until the representative arrives
 2. Call off the interview
 3. Tell the employee that he/she will call off the interview unless the employee voluntarily gives up his/her rights to a representative
 - It is never recommended that an employee give up his/her right to a representative
- When called in, the association rep. follows these rules under the National Labor Relations Act
 1. The employer must inform the representative of the subject of the investigation
 2. The representative must be allowed to take the employee aside for a pre-interview conference
 3. During the interview the representative cannot argue with the employer, but can interrupt to clarify a question or object to confusing or intimidating tactics
 4. The representative can give the employee advice on answering questions
 5. The representative can add information at the end of the interview in support of the employee

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