

This letter will be concerning Weingarten Rights. Not only what they are, but also how they affect you as a Union member.

First, a little background on the Weingarten Rights is necessary to how they are important. In 1972, an employee of the Retail Clerks Union was accused by her employer J. Weingarten Inc. of not paying for some merchandise. When she was approached by her employer for question in the matter she requested Union representation. Her employer refused her representation and began to question her on the merchandise. It was found that she was not guilty of the charges against her but she made other statements about conduct that she thought was unacceptable.. Weingarten Inc. confirmed her facts, the questioning ended and she left the employer's office. Yet, before leaving the office she was told to keep the situation to herself. Instead she immediately spoke to her Union steward and filed an unfair labor practice charge with the National Labor Relations Board (NLRB). The case was finally settled in 1975 in the case of NLRB vs. J. Weingarten Inc., where the Supreme Court ruled that employees are entitled to Union representation during investigative interviews.

The second point that is of interest in this case is what an Investigatory Interview is. It may relate to any of the following:

Absenteeism, accidents, compliance with work rules, damage to company property, drinking, drugs, falsification of records, lateness, poor attitude, poor work performance, sabotage, slow downs, theft and violation of safety rules would all fall into the previously indicated category.

However, not every discussion with management is an investigatory interview. An example of this is that a supervisor may speak to an employee about a proper way to do a job. But if the conversation changes character and the supervisor becomes dissatisfied with the employee's answers taking a hostile attitude, the meeting then become an investigatory interview and Weingarten rules apply.

Another question that comes to mind is: Why do I need my Union Steward present? There are many answers since the Steward can assist you in several situations. These include:

Serving as a witness to prevent supervisors from giving a false account of the conversation, object to intimidating tactics, avoid confusing questions, advise (when appropriate) an employee against blindly denying everything thereby giving the best possible appearance of dishonest and guilt, help employees avoid making decisions fatal to their employment. It is easy to see how your steward is your best asset when being questioned by any member of management. Although some supervisors may believe the only function of your steward is to observe the discussion or just be a silent witness, this is wrong! Your steward has to right to counsel you during the interview and assist you in presenting the facts.

Finally, if you are called to a meeting with management you must read the following statement before the meeting starts. It is perfectly appropriate to say that, "If this discussion would in any way lead to my being disciplined or terminated, or affect my personal working conditions; I respectfully request that my Union Representative, officer, or steward be present at this meeting. Without representation present then...I choose not to participate in this discussion." You must be responsible for asserting your rights since management will not advise you of these rights.

In closing, you have the right to Union representation when being questioned by management. If you are denied representation, you no longer have to answer their question, and should immediately inform you steward, to the best of your ability, about the situation that occurred up to the point that you were denied your rights. Your stewards and union officials are ready to assist you when the company comes calling.

In Solidarity,
Karly L. Schwalbach

Weingarten Rights

The Supreme Court ruled that employees have the right to Union representation during an investigative interview. These rights are called your Weingarten Rights.

If you at any time feel uncomfortable in a conversation with management, and you feel it may cause discipline or a job change you have the right to Union Representation and Weingarten Rules apply, this is based on your belief and not anyone else's.

You are responsible for asserting your Weingarten Rights. Management will not do it for you. At any time you may read the following statement: "If this discussion would in any way lead to my being disciplined or terminated, or affect my personal working conditions; I respectfully request that my Union Representative be present at this meeting. Without representation present then I choose not to