

# Weingarten Rights: What You Need to Know

Our webinar will begin shortly...

**We ENCOURAGE YOU TO USE YOUR  
TELEPHONE:**

PLEASE select "**USE TELEPHONE**" after joining the webinar and call in using the numbers from your email invitation.

Please enter your ***Audio PIN*** when calling in to hear audio.



# **WEINGARTEN RIGHTS:** **What you Need To Know**

**AFSCME**  
**STRONG**



ership  
y

# WELCOME & HOUSEKEEPING

# LEARNING GOALS

- What **WEINGARTEN RIGHTS** are
- The **SITUATIONS** in which **WEINGARTEN RIGHTS** can be **ENFORCED**
- **WHAT TO DO** should an **EMPLOYER DENY** a represented employee Union representation during an investigatory interview

# What are your Weingarten Rights?

- Investigatory Interview
- Member has a right to have a union representative present
- Reasonable belief the meeting may lead to discipline



# What is reasonable belief?

- Reasonable belief is typically defined as grounds that could lead a reasonable person in the same situation to the same belief
- Common sense



# What do you need to know?

- Weingarten Rights are NOT Automatic
- Supervisor's actions after the presence of a union representative is requested
- Union representatives rights during the investigatory meeting





# A right that isn't automatic?

- Supervisor does not have to inform the employee of their Weingarten rights
- Employee must invoke their Weingarten rights
- Negotiated language in contracts





# Supervisor's actions after a request for a union representative

- Grant the request
- Deny the request
- Give the employee the choice to end or continue the meeting without a union representative

True or False?



**Fact  
Check**

# What can a Union representative do during an investigatory meeting?

- Ask the purpose of the meeting
- Caucus with the employee
- Take notes during the meeting
- Respond to confusing questions
- Harassing questions

# Knowledge Check

**What do you know?**



# Weingarten Rights on cards for members

The right of a member to have a union representative present during an investigation interview—a meeting with a supervisor when the employee has a reasonable belief that the meeting may lead to discipline



# QUESTIONS?

# Helpful Resources...

- **NLRB v. J. Weingarten, Inc. 420 U.S. 251 (1975)**  
<https://supreme.justia.com/cases/federal/us/420/251/case.html>
- **KNOWING WHEN TO KEEP QUIET: *WEINGARTEN* AND THE LIMITATIONS ON REPRESENTATIVE PARTICIPATION**  
[http://law.hofstra.edu/pdf/academics/journals/laborandemploymentlawjournal/abor\\_vol26no1\\_michalski.pdf](http://law.hofstra.edu/pdf/academics/journals/laborandemploymentlawjournal/abor_vol26no1_michalski.pdf)
- ***Weingarten* Rights: Union Representation at Investigative Interviews** <http://www.nolo.com/legal-encyclopedia/weingarten-rights-union-representation-investigative-interviews.html>
- ***Weingarten* Rights**  
[http://en.wikipedia.org/wiki/Weingarten\\_Rights](http://en.wikipedia.org/wiki/Weingarten_Rights)



Thanks for attending!

**WEINGARTEN RIGHTS:**  
**What you Need To**  
**Know**