



Know Your Rights: Representation

Over 40 years ago, a counter clerk working for the J. Weingarten store in Houston, Texas, was questioned by her employer for alleged theft. She felt threatened during the interview but was denied, after several requests, the presence of a Steward during the questioning. Although she was cleared in the investigation, her Union filed an unfair labor practice charge after the incident. In 1974, the U.S. Supreme Court ruled in the Union and the employee's favor, and important rights for workers – commonly called “Weingarten Rights” – emerged from this decision.

Q: Can I have a Steward at any meeting with my supervisor or manager?

A: No, only when you reasonably believe discipline could result from an investigatory interview, unless your contract contains broader rights.

Q: What is an investigatory interview?

A: When a manager or supervisor questions an employee to obtain information which could be used as a basis for discipline, or asks an employee to defend his or her conduct.

Q: Is management supposed to inform me of my right to a Steward prior to such a meeting?

A: NO; management isn't obligated to remind you of your right unless your contract requires it, and even then **YOU must make the request.** After you have made that request you should contact your Steward immediately, so they can arrange to be there, and most important, build in time to consult (caucus) with you before the meeting.

Q: What if I'm told to meet with my supervisor at 10am, but not the nature of the meeting?

A: You should ask about the purpose. You have the right to know that the meeting could involve questioning that could lead to discipline, and the general subject matter of the inquiry, but not the details.*

Q: What if I'm in a routine work meeting with a supervisor or manager and the nature of the meeting suddenly changes to a questioning session?

A: At the point you believe you are being asked questions which could result in discipline, you have the right to ask that the meeting be stopped so you can call in a Steward.

Q: If I request a Steward, does management have to comply?

A: Yes. They must delay questioning until your Steward can be present.

Q: What if a supervisor or manager denies my request for a Steward?

A: If you are denied a Steward's presence, they must end the meeting or not proceed with questioning. If they insist on continuing the meeting and you are still questioned, the employer is committing an unfair labor practice, and you may decline to answer. You cannot be disciplined for such refusal. After the meeting, contact the Steward again to file a grievance or NLRB charge.

Q: What is the role of the Steward in an investigatory meeting?

A: When the Steward arrives, the supervisor or manager must allow the Steward a private meeting with you before questioning begins, must allow the Steward to speak during the interview, for instance, to clarify a question, and to advise you (caucus). The Steward also takes notes during the meeting.

Q: If I ask for a Steward, doesn't that imply that I'm guilty of something?

A: No, supervisors and managers expect members will request representation; it's just sensible.

Q: I'm a Steward myself; who do I request if my supervisor or manager questions me?

A: You may request the presence of another Steward, a Chief Steward, or you may request Union staff.

Q: What about evaluation meetings?

A: You can't have a Steward at the first evaluation discussion unless the evaluation or the supervisor's questions threaten disciplinary action. When the evaluation is final, you may have representation in later discussions or appeal meetings.

* In accordance with *Pacific Telephone & Telegraph Company v. NLRB*, 711 F.2d 134 (1983),