



Weingarten Rights: The Right to Representation

If you are ever called into an interview meeting with your supervisor or manager so they can investigate a situation which might result in discipline of you, you have specific representational rights. These rights are called "Weingarten Rights" based on a 1975 Supreme Court decision ([NLRB vs. J. Weingarten](#)) and the SEA CBA:

- 1. You have the right to have a Union Steward present.** If you want a Steward at the meeting, you must ask for him or her. **You must assert this right yourself.** The employer is under no obligation to inform you about your right to Union representation.
2. If you do not know why your manager wants to meet with you, ask him/her if it is a meeting that could result in discipline.
3. If your manager refuses to allow union representation, try to repeat your request in front of a witness. **Do not refuse to attend the meeting.**
4. If you are in a non-disciplinary meeting with your manager and the topic changes to something you reasonably believe could result in discipline, you can request a Steward. Do not refuse to continue the meeting.
- 5. If you have requested representation and been refused, you may have the right to refuse to answer questions during the meeting.** If you assert this right, be aware that your manager may attempt to further discipline you for "insubordination". This may be an "unfair labor practice" – and it may eventually be reversed if you can document that your manager refused your request for Union representation. If you decide to not answer questions, keep repeating your request for Union representation. One option is to object to the questioning without representation, but answer the questions anyway "under protest" to avoid being disciplined for insubordination.
- 6. Take careful notes during the meeting.** [If you have been refused union representation, call your Steward as soon as the meeting is over.]
7. You have a right to speak privately with your Steward before the meeting and during the meeting. In the meeting, your Steward has some right to play an active counseling role; he or she is not just a witness. However, the law is unclear how often and under what circumstances you or your steward may assert these representational rights. Assert these rights when you believe it is appropriate, but do not do anything your employer could characterize as "insubordination".

These statements could save your job:

"If this discussion could in any way lead to my being disciplined or terminated, I respectfully request that my Steward be present at the meeting. Without representation present, I will not voluntarily respond to any questions or statements."

"I will not refuse to answer questions if I am threatened with discipline for so refusing; but without representation, all answers are involuntary."

To find your Steward, call 271-3411.

