

THE WEINGARTEN RULE

WEINGARTEN RIGHTS ----An employee's right to representation

An employee has a right to be represented during an investigatory interview. A supervisor or human resources representative normally conducts this interview. Should you be called into such an interview, you should immediately request your Union to be present.

What is an investigatory interview? An investigatory interview is any meeting that may lead to disciplinary action against you. This is a meeting when a supervisor questions an employee for the express purpose of obtaining information, which could be used as a basis for discipline. Or any meeting where a supervisor or HR asks an employee to defend his or her conduct. Investigatory interviews may relate to subjects such as: excessive use of Company equipment, accessing or viewing inappropriate internet sites (pornography, sexually explicit, or hate sites) on Company premises or use of Company equipment, absenteeism, drinking fighting, poor attitude, violation of safety rules, accidents, drugs, insubordination sabotage, work performance, damage to Company property, falsification of records, lateness, theft, or any violation of work rules or procedures.

What do you do if you are called into your supervisor's (or HR) for a meeting and the meeting appears to be investigatory? Ask that the meeting be ended until you can speak with your Council Rep. and have them present at the meeting. Be clear and to the point in your request for union representation. You cannot be punished for making this request.

What are the Company's options after you make such a request? The Company can either 1) grant the request and stop the meeting until a union representative arrives; 2) deny the request and end the interview immediately; or 3) give the employee the choice of either having the interview without representation or ending the interview immediately.

What happens if the supervisor (or HR) denies the request for union representation and continues to ask questions? He or she is committing an unfair labor practice and the employee has the right to refuse to answer the questions. The employee cannot be punished for such a refusal. Please keep in mind, this is a stressful situation. The employee should remain absolute, but continue to conduct him/herself in a professional.

How shall I get a hold of my Counsel Representative? If you don't know how to reach your Council Rep ask the HR representative the name of your Council Rep. The HR representative should know this information.. If your Council Representative is not available feel free to call another Council Rep. that you know or call SPEEA Headquarters at (206) 433-0991. Tell the receptionist where you work and let her know that you need to speak with a Contract Administrator as soon as possible.