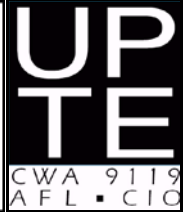


**Society of Professionals, Scientists, and Engineers**

**Local 11 – University Professional and  
Technical Employees (UPTE),  
Communications Workers of America (CWA)  
Local 9119, AFL– CIO**

**SPSE**



## **Weingarten Rights-The Right to Union Representation**

“Weingarten Rights” derive from a 1975 Supreme Court Case, NLRB (National Labor Relations Board) v. J. Weingarten, Inc. They give employees the right to request assistance from a union representative during investigatory interviews, so that a steward may prevent management from coercing an employee into confessions of misconduct.

The union steward/representative can:

- Serve as a witness to the actual content of the investigation;
- Object to intimidating tactics or confusing questions;
- Help an employee avoid making “fatal admissions;”
- Advise an employee, when appropriate, against denying everything, and thereby giving the appearance of guilt or dishonesty;
- Counsel an employee against losing her/his temper;
- Discourage an employee from informing on others;
- Raise extenuating factors.

Weingarten rights apply only in investigatory interviews when the employee has a reasonable belief that discipline (or other negative consequences) may result. If an employee is called in to a supervisor’s office merely to be informed of a disciplinary decision, the courts have found that this is not an investigatory meeting. However, if a supervisor asks additional questions about the employee’s conduct, the meeting becomes an investigatory interview.

## **Employees Responsibility**

- You must request that a union representative/steward be called into the meeting
- You have the right to know the subject of the meeting and the right to consult your union representative/steward prior to the meeting for advice
- You don’t have to know that disciplinary action will occur, just that it is being contemplated or *might result* from the meeting.

If your representative isn’t allowed to attend, go to the meeting anyway and insist upon your right to have a union representative present. If this fails, don’t answer questions. Instead, take good notes and register your written objections immediately after the meeting. Remember, your employer is under no obligation to inform employees of their right to representation. You lose your rights if you do not use them.

For more information, talk to your bargaining representative or call the SPSE/UPTE office at 925-449-4846.