

KNOW YOUR WEINGARTEN RIGHTS!

The Supreme Court's 1975 Weingarten decision (*NLRB v. J. Weingarten* [420 U.S. 251]) established the right of union employees* to have union representation during *investigatory interviews*. An investigatory interview is one in which a supervisor questions an employee about specific conduct or obtains information that could be used as a basis for discipline.

If your supervisor calls you to a conference, AALA urges you to ask if the conference could lead to discipline. If the answer is anything but "no," state that you wish to have your union representative present. Asking the question is critical because the burden is on you to make the request if you believe that the interview could lead to discipline or another adverse consequence. The supervisor has no obligation to inform you of your right to union representation.

The next step is to immediately call AALA and request representation. Certificated administrators will be represented by an AALA consultant or field representative. Unit J members will be represented by a job steward. All conversations between you and your representative are confidential. Your representative will consult with you, represent you and ensure that your due process rights are respected by the District.

The union will work with District personnel to schedule the conference at a mutually convenient time. If the supervisor denies you your right to representation, this is an unfair labor practice. Politely state that you want your union representative present, and you will answer questions when s/he is with you. If the supervisor insists on conducting the conference with you alone, **do not walk out because you could be accused of insubordination**; stay, listen and then call AALA. You may not be disciplined for refusing to answer questions without your union representative present.

Remember that not every conference is disciplinary in nature. If the meeting is simply to communicate information, give direction or suggest improvement, this does not constitute discipline. That is why you must ask the question. Please use the specific wording on the card below. Cut it out and keep it with you at all times.

**In 2004, the National Labor Relations Board (NLRB) ruled that nonunion employees are not entitled to have a coworker accompany them to such a meeting even if the employee believes that it might result in discipline.*

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Should your supervisor call you to a meeting, say:
If this conference could lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative be present at this meeting. Without union representation, I choose not to participate in this discussion.

