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Know Your Weingarten Rights

It has been brought to my attention recently that many of our members are going into Investigative Interviews, as well as speaking with Postal Inspectors without requesting union representation. It is our position that **you should always request a Steward** during those times! I have highlighted and put in bold below items that I feel are quite important to know.

EMPLOYEE RIGHTS

Under the Supreme Court's *Weingarten* decision, the following rules apply to investigatory interviews:

- **The employee can request union representation before or at any time during the interview.**
- **When an employee asks for representation,** the employer must choose from among three options:
 1. **Grant the request and delay questioning until the union representative arrives;**
 2. **Deny the request and end the interview immediately;** or
 3. Give the **employee a choice** of: (a) having the interview without representation or (b) ending the interview.
- **If the employer denies the request for union representation and continues the meeting, the employee can refuse to answer questions.**

STEWARD RIGHTS

Employers sometimes assert that the only function of a steward at an investigatory interview is to observe the discussion; in other words, to be a silent witness. **This is incorrect. The steward must be allowed to advise and assist the employee in presenting the facts.** When the steward arrives at the meeting:

- **The supervisor or manager must inform the steward of the subject matter of the interview: in other words, the type of misconduct being investigated.**
- **The steward must be allowed to have a private meeting with the employee before questioning begins.**
- **The steward can speak during the interview, but cannot insist that the interview be ended.**



- The steward can object to a confusing question and can request that the question be clarified so that the employee understands what is being asked.
- The steward can advise the employee not to answer questions that are abusive, misleading, badgering, or harassing.
- When the questioning ends, the steward can provide information to justify the employee's conduct.

EDUCATING MEMBERS

Employees sometime confuse *Weingarten* rights with *Miranda* rights. Under the Supreme Court's *Miranda* decision, police who question criminal suspects in custody must notify them of their right to have a lawyer present. The Supreme Court did not impose a similar requirement in *Weingarten*. **An employer does not have to inform an employee that he or she has a right to union representation. Unions should explain *Weingarten* rights to members in newsletters and at union meetings.**

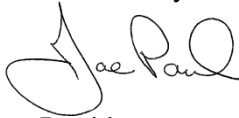
- Remember the below (some employees cut this out and save it) and repeat this to management prior to the Investigative Interview and/or meeting with the Inspection Service.

WEINGARTEN CARD

(If called to a meeting with management, read the below or present this card to management when the meeting begins.)

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Until my representative arrives, I choose not to participate in this discussion.”

In Solidarity,



President
Central Florida Area Local

Cc: APWU Bulletin Boards

