

Part-Time Faculty, Know Your Weingarten Rights

WHAT ARE WEINGARTEN RIGHTS?

In 1975 the U.S. Supreme Court, in what has come to be known as the Weingarten Decision, established the right of union members to have a union representative present at any meeting or investigating interview with a supervisor or administrator that the employee reasonably believes might lead to disciplinary action.

As you might have guessed by now, there are a few catches to this rule. To start with, the supervisor or administrator does not have to advise you of your Weingarten rights. You must assert them. A standard statement often used says: “if this discussion could in any way lead to my being disciplined, terminated, or could affect my personal working conditions, I respectfully request that my union representative be present.” You cannot be punished or retaliated against for making this request.

Once you make this request for representation, the employer may not proceed with the interview without the union representative being present.

What happens if the supervisor or administrator denies the request? You have the right to remain silent in this situation and the supervisor has just committed an unfair labor practice. Once again, there is a catch: You must remain in the interview until the supervisor ends it. If you walk out beforehand, you might be committing another offense, such as insubordination.

The union representative has the right to be informed by the supervisor of the subject matter of the interview. He/she can also take the employee aside for a private conference before the interview begins. The union representative has the right to speak during the interview and can request that the supervisor clarify a question. He/she can also give the employee advice on how to answer a question.

If you are assured by your supervisor ahead of time that no discipline or employment consequences can result from this meeting, you have no right to union representation and thus cannot assert your Weingarten rights.

Only union members are protected by the Weingarten Decision—another good reason to belong to a union!

For more information, you can look up the Weingarten Decision on line. One especially good resource is Nolo Press: www.nolo.com.

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