

OPEIU Members: Know your rights!

“Weingarten”* Rights

(*From a 1975 U.S. Supreme Court decision NLRB vs. Weingarten, Inc.)



You have the right to union representation any time you face a meeting or discussion with a supervisor that could lead to discipline. Your employer usually has no obligation to inform you of your right to have a union representative present. **You must ask for your rights!** Your employer must give you time to contact a union representative and allow the representative to be present at the meeting.

“Weingarten” rules apply when a supervisor is questioning an employee to obtain information the employee reasonably believes could be used as grounds for discipline. If the meeting is solely to inform about a discipline without an investigation, this rule doesn’t apply. ***Here’s what you can say:***

“If this meeting is an investigation that could in any way lead to discipline or termination, I request that my steward or union representative be present before continuing.”

Your employer may:

- (1) agree to your request and wait for the union representative to arrive or reschedule the meeting;
- (2) deny your request and end the meeting immediately;
- (3) give you the choice of ending the meeting or continuing without representation, or
- (4) deny the request and continue to ask questions. **You should then repeatedly but respectfully ask for union representation and protest the denial of your rights.**