

# Know Your Rights

As a member of the Lynwood Teachers Association, you have a legal right to union representation. These rights are referred to as “Weingarten Rules”. If you believe that a discussion with an administrator could possibly result in disciplinary action against you, now or in the future, the following information applies. You may invoke these rights at any time before or during the discussion. Should you have a problem invoking these rights, you should contact the Association president immediately.

## Weingarten Rules

Under the U.S. Supreme Court’s Weingarten decision (NLRB v. J. Weingarten, Inc. – 1975), when an investigatory interview occurs, the following rules apply:

**RULE 1:** The Employee **MUST MAKE A CLEAR REQUEST** (i.e., “I would like a union rep before we continue”) for union representation before or during the interview. The employee **CANNOT** be punished for making this request.

**RULE 2:** After the employee makes the request, the administrator must choose from among three options. The administrator must either:

1. Grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee; or
2. Grant the request and end the interview immediately; or
3. Give the employee a choice of: (1) having the interview without representation (**not a good alternative**), or (2) ending the interview.

**RULE 3:** If the administrator denies the request for union representation and continues to ask questions, **they commit an unfair labor practice** and the employee has the **right to refuse to answer**. The administrator may **NOT** discipline the employee for such a refusal to answer under these circumstances.

## WHEN IN DOUBT, ASK FOR UNION REPRESENTATION!

### *Role of the Representative*

1. Upon arrival, the administrator must inform the representative of the subject matter of the meeting (interview).
2. The representative must be allowed to take the employee aside for a private interview conference before questioning begins.
3. The representative must be allowed to speak during the interview; however, the representative does not have the right to bargain over the purpose of the interview.
4. The representative can request that the administrator clarify a question so that the employee can understand what is being asked.
5. After a question is asked, the representative can give advice on how to answer.