

WHAT EVERY UNION MEMBER SHOULD KNOW...

WHAT ARE YOUR RIGHTS IN AN INVESTIGATORY INTERVIEW?

WHAT IS AN INVESTIGATORY INTERVIEW?

An investigatory interview occurs when a supervisor questions an employee to obtain information that could be used as a basis for discipline or asks an employee to defend his or her conduct.

If an employee has reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has a right to request union representation.

EMPLOYEES HAVE WEINGARTEN RIGHTS ONLY DURING INVESTIGATORY INTERVIEWS.

Under the Supreme Court's Weingarten decision, an employee has the right to union representation in any interview the employer might hold that is intended to investigate a possible discipline charge against the employee. Simply put:

- The right to be informed, in advance, of the subject matter of disciplinary interviews.
- The right to union representation at such an interview.

DURING AN INVESTIGATORY INTERVIEW:

RULE 1: The employee must make a clear request 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 employer has three options:

1. Grant the request and delay the questioning until the union representative arrives and has a chance to consult privately with the employee; or
2. End the interview immediately; or
3. Tell the employee that they will call off the interview unless the employee voluntarily gives up his/her rights to a union representative.

RULE 3: If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice. Respond to any questions by repeating your request for union representation.

If you have any questions, please contact your Union Steward or Agent, or call (808) 543-0000.



