



# UPDATE

August 20, 2014

## SAN BERNARDINO TEACHERS ASSOCIATION

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Robert V. Rodriguez, SBTA President

### Weingarten Rule – An Employee’s Right to Representation

The Weingarten Rule is a U.S. Supreme Court Ruling in 1975 which states:

*An Employee may be represented by the union at any meeting with his or her supervisor when the employee reasonable believes that the meeting may lead to a disciplinary action.*

Any SBTA member that believes a meeting with his/her supervisor is or could become disciplinary can stop the meeting immediately and request Association Representation before continuing. If your administrator does not stop the meeting, then you have the right to walk away from the meeting without being accused of insubordination (make sure you state that you are exercising your Weingarten Rights). As soon as possible, document every detail and contact your SBTA Representative. The employee has the right to designate who their representative is, but the supervisor may ask the employee to designate another representative for reasonable cause.



#### Weingarten Rights

The US Supreme Court has ruled that The National Labor Relations Act gives workers the right to request union representation during investigatory interviews by supervisors, security personnel, and other managerial staff. These are called *Weingarten Rights*.

An investigatory interview occurs if

1) management questions you to obtain information; and 2) you have a reasonable apprehension that your answers could be used as a basis for discipline or other adverse action.

You must ask for union representation either at the beginning of or during the interview. Management does not have to remind you of this right.

If your request is refused and management continues asking questions, you may refuse to answer. Your employer is guilty of an unfair labor practice and charges may be filed.



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