



## Be informed. Know your rights. Employee Right to Representation

Weingarten Rights – your right to representation when brought before management on possible disciplinary charges – is based on a 1975 U.S. Supreme Court decision initiated by organized labor (NLBR v. J. Weingarten). Although Weingarten rights were developed for unionized private sector workers, these same rights have been extended to California state workers in a series of legal decisions in the courts and before the Public Employment Relations Board (PERB).

**If you are ever called into a meeting with your supervisor and believe the meeting or the information gathered in the meeting may result in discipline, you have specific representational rights; these rights are summarized below:**

- You have the right to have a union representative present.
- If you want a union representative present, you must ask for him/her.
- If you do not know why your supervisor wants to meet with you, ask him/her if it is a meeting that could result in discipline.
- If your supervisor refuses to allow you to bring a union representative, repeat your request in front of a witness. Do not refuse to attend the meeting, but respectfully decline to answer questions until your union representative is present.
- You have the right to speak privately with your union representative before and during the meeting.
- Your union representative has the right to play an active role in the meeting – he/she is not just a witness.
- If your supervisor denies the request for union representation and directs you to answer questions even without your representative present, he/she is committing an unfair labor practice and the employee has the right to refuse to answer. Any discipline taken under these circumstances could be challenged as improper at PERB.

### **This statement could save your job:**

*If this discussion could in any way lead to my being disciplined or terminated, I respectfully request that my union representative be present at the meeting before I answer any questions. Without representation present, I choose not to respond to any questions or statements.*