

YOU HAVE THE RIGHT TO UNION REPRESENTATION  
DURING CERTAIN MEETINGS WITH MANAGEMENT

KNOW YOUR "WEINGARTEN" RIGHTS

- You have the right to refuse to submit to a meeting with management or an employer's investigatory interview without the presence of a union representative if you REASONABLY BELIEVE that the meeting or interview COULD RESULT IN DISCIPLINARY ACTION.
- To invoke this right, you MUST make the request for union representation.
- This right may be invoked with regard to ANY meeting or interview with your employer as long as you reasonably believe that the meeting or interview could result in disciplinary action.
- This is so even if your employer states the meeting or interview is not disciplinary in nature.
- This is so even if your employer is calling you into what is normally a routine meeting.
- This is so even if you are not the target of an investigatory interview, but you believe that you may become one.
- You also have the right to request union representation during the middle of a meeting with your employer, if in the course of a meeting the questioning takes a turn which leads you to REASONABLY BELIEVE that your answers to the questions being asked COULD LEAD TO DISCIPLINARY ACTION against you.
- Once you make a valid request for union representation, your employer is permitted one of three options: (1) grant your request to have a union representative present, (2) discontinue the interview, or (3) offer you the choice between continuing the interview unaccompanied by a union representative or having no interview at all.
- Under no circumstance may your employer continue the interview without granting you union representation, unless you voluntarily agree to remain unrepresented after having been presented by your employer with choice three (3) mentioned above.
- Once you make a valid request for union representation, you cannot properly be subject to discipline for refusing to submit to the interview.

- Whether your request is valid (that is, whether your belief that disciplinary action could arise from a particular meeting or interview is reasonable) is determined by several external factors such as, for example, whether you are called in to discuss something that you said or did that would likely be considered workplace misconduct and therefore a disciplinable offense, or whether the subject to be discussed is something over which you have previously been warned or disciplined. If you are not informed as to the subject matter of the meeting or interview, certain external factors such as the presence of several management level employees present at the meeting or interview could lead to a reasonable belief that disciplinary action could result from the meeting. These are just some examples.
- In short, whether your request for union representation is valid is judged on the basis of whether people other than yourself would conclude that your fear that disciplinary action could result from a meeting or interview was reasonable in light of the external circumstances present at the time.
- If, however, your request for Union Representation is ultimately determined to not have been valid, and you refuse to submit to a meeting or interview, you could be subject to discipline.
- In addition to the above “Weingarten” rights, to which every DC 37 member is entitled, if you are a union member covered by Civil Service Law, Section 75, you also have the right to be notified in advance, and in writing, of such a right to union representation by your employer when you appear to be a potential subject of disciplinary action. Likewise, if you are a member covered by the Citywide Contract, and are called into an IG interview, you have the right to be notified in advance, and in writing, of such a right to union representation by your employer when you appear to be a potential subject of an IG interview. If you are not the subject of the IG interview, you can still invoke your “Weingarten” right to union representation as long as you have a reasonable belief that you could become the subject of the investigatory interview which could lead to disciplinary action against you.
- If you have reason to believe that the matter about which you are to be interviewed could lead to criminal prosecution against you, you should consult a criminal attorney immediately. DC 37 cannot provide criminal defense attorneys for its members. Contact your union representative if you have any questions.