

Your rights to union representation are known as “Weingarten rights,” after a 1975 U.S. Supreme Court ruling. At first these rights applied only to private sector employees covered by the National Labor Relations Act. But through legislation and subsequent court decisions these basic protections are now generally extended to federal employees, as well as to many state and local government workers. Under Weingarten you have the legal right to have a union representative (but not a lawyer) present during a meeting with management if all of the following conditions are met:

- The meeting is an investigatory interview. This means that you are expected to answer questions in connection with an inquiry into possible wrongdoing or unacceptable behavior.
- Disciplinary action may result from the meeting. The law requires only that disciplinary action – of any severity – is one possible result of the meeting.
- You “reasonably believe” that disciplinary action may result.
- You make a request for representation. Your employer generally is under no obligation to inform you of your right to be represented. It’s up to you to know your rights, and to assert them.