

Weingarten Rights

If you are summoned to a meeting with any CSU (Employer's) representative for any reason, and it becomes apparent that disciplinary action or termination may be forthcoming against you, you have the right to invoke your Weingarten Rights. The meeting need not be formal--any conversation could lead this direction. The pertinent contract article is:

12.11 Upon his/her request, an employee may be represented at an investigatory interview if he/she reasonably believes that disciplinary action may result. Prior to the interview, the employee is entitled to be informed of the general nature of the matter being investigated and to consult with his/her representative, if any. The right to representation does not apply to meetings held exclusively to inform an employee of a previously made disciplinary decision. If the representative an employee requests is unavailable, the employee may request alternate representation. The Employer is not obliged to postpone the interview, nor to suggest or secure the alternate representation; however, the employee shall not be required to answer any questions without a representative present, unless he/she voluntarily chooses to do so. At its discretion, the Employer may decline to hold any interview if the employee requests representation.

Note that any meeting whose purpose is to inform you of a previously made disciplinary decision is exempt from this clause. A couple of other key points are worth noting as well. The CSU is not required "to postpone the interview nor to suggest or secure the alternate representation" should your first choice for a representative not be available, and you are not required to say anything which could damage your situation.

So chronologically, this is how things might go:

1. You are called to a meeting you did expect (an evaluation meeting, for example) or did not expect.
2. It becomes apparent that the meeting's purpose is to investigate some incident, action, series of events or whatever which could result in your being reprimanded, terminated, or otherwise disciplined.
3. You invoke your Weingarten Rights with the following statement:
"If this discussion could in any way lead to my being disciplined, terminated, or cause an effect on my personal working conditions, I respectfully request that my Union Representative be present at this time. Until my representation arrives, I choose not to participate in this discussion."
4. You call your chosen representative, and they hasten to the meeting place. If that individual is not available, you have the right to request an alternate. The CSU (your supervisor, a Dean, a Human Resources employee, or anyone else who is authorized to engage in such actions), however, has the right to continue the meeting regardless of whether you are represented or not. Your protection in this case, is the guaranteed right to not say anything substantive.

5. This may be the best course of action in any case. Let your representative deal with the situation either then or during later meetings if you are not represented. If your representative is there, he/she may ask for a private consultation before speaking with the CSU or at any time during the meeting. Your situation is not likely to be any better if you withhold information, distort facts, or mislead your rep in any way. My advice is to be perfectly candid and open with your rep and let him/her work on lessening any proposed disciplinary action. If you knowingly mislead or make false statements to the CSU, you invite direct problems tied to such statements and further potential charges. Note that you must request representation; if you don't, the meeting can proceed without your being represented. Also note that if you request representation, the CSU has the option to cancel the interview.

CSUEU officers generally don't recommend attempting to defend or represent yourself for a variety of reasons. The primary one being similar to that used to discourage individuals from defending themselves in courts of law: most of us would tend to not speak and act in our own best interests when on the defensive, and in fact may say things which are damaging. On the other hand, Weingarten Rights cannot be invoked unless it becomes apparent that official disciplinary action is pending or will result. If it's simply a matter of you not having dotted your "i's" or crossed your "t's", take the criticism professionally, make the necessary change, and move forward. If, however, the worst case develops, by all means avail yourself of our assistance.