

WEINGARTEN RIGHTS FORM

Weingarten Rights are mandated by law, and materialized from an actual case (National Labor Relations Board vs. J. Weingarten, Inc.) decided by the U.S. Supreme Court in 1975. The rights announced by the Court are as follows:

Employees have the right to request that a representative be present at any investigatory meeting when the employee reasonably believes that disciplinary action might result from the investigation.

PROCESS

1. The employee may request a representative prior to the meeting or at anytime during the meeting.
2. If the meeting is delayed or interrupted at the employee's request for a representative, then the meeting and subsequent questions should end and one of the following decisions must be reached:
 - Re-schedule the meeting to allow a representative to attend. A reasonable time period should be allowed.
 - Move forward with the investigation and take appropriate action without information from the employee.
 - Inform the employee that he/she has a choice to either voluntarily give up his/her rights to a representative and meet, or the meeting may or may not be re-scheduled and the employee's information not considered in the investigation.

REPRESENTATIVE'S ROLE

1. A representative, if requested, must be given the opportunity to meet with the employee prior to the meeting.
2. During the meeting, a representative may ask for clarification of questions, but may not tell the employee what to say.
3. Employee/Representative may request to consult in private during this meeting.

INVOKEMENT OF WEINGARTEN RIGHTS

- I choose to invoke my Weingarten Rights and request that a representative be present at the investigatory meeting.
- I do not request to invoke my Weingarten Rights.

ACKNOWLEDGEMENT OF RECEIPT OF YOUR WEINGARTEN RIGHTS

I, _____, have had full opportunity to read and consider the contents of this form, and I understand that, by signing this form, I am confirming the receipt of my Weingarten Rights, as described in this form.

Signature: _____ Date: _____

YOU ARE ENTITLED TO A COPY OF THIS FORM AFTER YOU SIGN IT.