

KNOW YOUR WEINGARTEN RIGHTS

As educators, we deal with challenging situations day in and day out. Sometimes this means being put in the hot seat when something goes wrong, even if we are not to blame. This is not a situation any educator should have to face alone – and because we have a union, we don't have to. Any time you are asked questions by a principal, assistance principal, or other administrator, and you have a reasonable belief that your answers to questions could potentially be used to support disciplinary, evaluative, or otherwise adverse employment action against you, you are entitled to exercise your Weingarten rights.

QUICK FACTS

- It is your reasonable belief that triggers Weingarten rights, not your administrator's.
- If you are not sure whether discipline could result from a meeting or from a particular question, ask. If the administrator says, "no," they may not later change their mind.
- Your administrator does not get to choose who will serve as your union representative.
- Weingarten rights include the right to consult with your union representative prior to answering questions, not merely their presence as you answer questions.
- Weingarten rights include the right to stop a non-disciplinary meeting that shifts topic to potential disciplinary issues until you have union representation.
- Exercising your Weingarten rights is not an admission of guilt. You are entitled to union representation even if you are confident that your answer will not implicate you in any wrongdoing. In fact, this is the most important time to exercise them!

SIGNS THAT YOU SHOULD INVOKE YOUR WEINGARTEN RIGHTS

- You unexpectedly see parents and/or other administrators in the room for a "quick meeting."
- An administrator starts getting "hot under the collar" during questioning.
- Your administrator says things like "I've had some parent complaints about you," or I have a few concerns to discuss," or I've heard some troubling rumors about you."
- Your administrator uses words like "discipline," "employment status," "negative evaluation," "termination," etc., about or during the meeting.

HOW TO INVOKE YOUR WEINGARTEN RIGHTS

Your administrator is not required to advise you of your Weingarten rights. To use your Weingarten rights, you must invoke them. Here is a sample statement you can use:

If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my Association Representative be present at the meeting. Without representation, I choose not to answer any questions.

If you find yourself in a situation where you need to use your Weingarten rights, contact one of your building reps as soon as possible.

THE LIMITS OF WEINGARTEN RIGHTS

Just as it's important to know what your Weingarten rights are, it is also important to know the limits.

You are not entitled to have a representative present every time a supervisor wants to talk to you. Remember, if the discussion begins to change into questioning that could lead to discipline, you have the right to ask for representation before the conversation goes any further. **If you are called into the supervisor's office for an investigation, you can't refuse to go without your representative under the claim of Weingarten rights.** All you can do is refuse to answer questions until your union representative gets there and you've had a chance to talk things over.