

Weingarten Rights

The Right to Union Representation During an Investigatory Hearing

- 1 Union members have a right to union representation at an investigatory hearing if they reasonably believe that the investigation could lead to disciplinary action.
- 2 The member must request a representative; the employer has no obligation to inform the employee of this right.
- 3 Management does not have to call the representative. Instead, the employer can stop the meeting, or just issue discipline.
- 4 Once a union representative is called, he/she has the following rights:
 - To know the subject of the investigatory hearing
 - To confer with the member prior to the hearing
 - To speak/participate in the hearing

But the representative cannot argue the case. This is not a grievance hearing.

Weingarten Summary:

Representation must be requested.

- Silence can be an effective waiver.
- There is no voluntary waiver of the right when the employee is threatened with a harsher penalty if the matter goes to a higher level.
- The employee does not have to remain adamant in their request for union representation.
- The employee may not leave the interview and seek out a union representative in violation of their supervisor's orders and established policy.
- A specific union representative need not be provided if he/she is unavailable due to personal or other reasons for which the employer is not responsible.
- The employee may consult with their representative before an investigatory meeting, and either the employee or the representative may request a pre-investigatory conference.

Important Dues Information

As a union member who is on payroll dues deduction for your monthly union dues, you need to know the following:

If you are on ***Worker's Compensation Leave, Disability Leave, Maternity Leave***, etc... then you are no longer on the payroll and monthly union dues are not being deducted and remitted. Therefore, you are responsible for sending in your minimum monthly union dues of **\$15.00** to the Federation (1700 N.W. 66th Avenue; Suite 100; Fort Lauderdale, Florida 33313) in order to maintain your active member status with the union. **If you do not send in the minimum dues requirement, then you may be dropped from the union membership and lose the free Life Insurance that the Federation provides.**

When you return to work, check your pay stub for union dues deductions. If your union dues deduction has not been reinstated, please contact the Federation and your payroll department immediately.

Should you have any questions please contact Chris Mahadeo
at 954-797-7575 ext. 228 for further details.