

From: Stribling, Thomas J (Tom)
Sent: Tuesday, February 26, 2013 1:11 PM
Subject: Weingarten: Urgent



Team,

Please cascade this message to your managers and supervisors.

As you all know, under the *Weingarten* case, a bargaining unit employee has the right to a union representative at an investigatory interview, if the employee reasonably believes that the investigation could lead to discipline and requests the union's presence. I wanted to pass along today a quick reminder about *Weingarten* rights and a bargaining unit employee's corresponding right, where *Weingarten* applies, to meet with his or her union representative prior to the investigatory interview and to be informed of the general nature of the matter being investigated.

- Prior to the investigatory interview, the employee must be permitted time to meet and confer with his or her representative. The Company should provide enough time to provide the representative an opportunity to become familiar with the employee's circumstances.
- Additionally, before the employee and his or her representative meet, the Company must inform either the employee or the union representative of the nature of the matter being investigated.
- The Company need provide only a general statement as to the subject matter of the interview, which identifies to the employee and his or her representative the type of misconduct for which discipline may be imposed. There is no need to reveal the company's case, the information that the company has obtained about the matter, or even the specifics of the misconduct that will be discussed during the interview.
- During the interview, the union representative may provide counsel and assistance to the employee. However, the representative may not obstruct the Company in exercising its legitimate prerogative of investigating potential employee misconduct

If you have any questions, or would like to discuss any of this further, please feel free to contact me.

Thank you,

Tom Stribling

Director – Potomac Labor Relations