

ISSUES



If a supervisor or the boss asks questions that could lead to disciplinary action, NYSNA members have the right to ask for a NYSNA steward or other union officer.

This is something all NYSNA members should know— it's our job, as NYSNA Stewards, to make sure they do!

A NYSNA member is asked to report to the boss's office. The boss fires off a question. The NYSNA member asks: "Could this meeting lead to discipline?" The boss says, "Maybe." The member responds, "I want to see my steward before I answer!"

Legal? Yes! All NYSNA members can—and should—make this request if they're being questioned by management about *anything* that could lead to disciplinary action. Bosses have no right to refuse.

Why? Because of a 1975 case in which the U.S. Supreme Court ruled that all workers have the right to union representation when a supervisor or boss asks for information that could be used as the basis for discipline. This decision gave workers and unions specific rights called *Weingarten Rights* (from the name of the case). All NYSNA members in your workplace should know about them.

A vital part of your job is to keep management from intimidating workers—especially when a boss is trying to get a member to admit to wrongdoing. *Weingarten Rights* won't help if workers don't know about them, because *the boss doesn't have to tell them*. If they answer the questions, they've given up their right to representation.

Stewards should make sure members understand that if any discussion with management—from a closed-door meeting to a conversation with a supervisor on the job—could lead to the possibility of discipline, they should ask immediately for a NYSNA steward or local officer. The request can be made at any point.

Ideally, a member should say something like: *"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that my steward (or a union officer) be present. Without representation, I choose not to answer any questions. This is my legal right."*

Anything close to this statement will do. Any further attempt by a boss to ask questions is illegal until a steward arrives. If management denies a request for union representation, this is an unfair labor practice—and the member *may refuse to answer any questions*.

DON'T WAIT TO ACT!

You can take your own action if you see a worker is in a meeting or conversation with management where they are in danger of being disciplined. You don't have to wait for the worker to ask—you should make sure you're part of that meeting yourself.

When you arrive, check to see what the issue is about. Then meet privately with the member for a couple of minutes. Talk with them about questions that may be asked. Advise them to be careful—that anything they say could be used against them. Warn them not to volunteer any extra information, to keep answers short, and to stay calm. Remind them they're not alone: the union is there to support them!

WHAT STEWARDS CAN DO

During the meeting, you should take notes on what was said and who said it. Not only will this help you keep your facts straight, but it could make the boss nervous if he or she doesn't have much of a case.

As a steward, your power includes:

- Stopping the boss from harassing or abusing the worker;
- Asking the supervisor to clarify any questions the member may not understand;
- Advising the worker how to answer questions;
- Providing the boss with additional information when the questions have ended.
- Requesting a recess during the meeting if you need more time to talk privately with the member.
- Requesting that the meeting continue another time if information is presented that requires additional investigation or preparation.

WHAT YOU CAN'T DO

You cannot negotiate over the subject of the meeting. And you do not have the right to tell workers not to answer a question or to give untrue answers. Refusal to answer questions can be a reason for discipline.

If a worker's steward is not available, another steward or union officer can be asked to attend. Workers also have the right to ask for a particular union representative, if both are equally available.

Here are a couple of final points to keep in mind:

If a worker is asked to provide information about another employee, he or she also has the right to ask for a steward. Why? Because failing to answer could lead to disciplinary action—and, therefore, the right to representation.

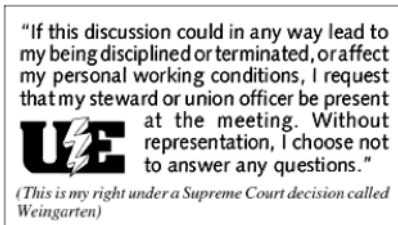
Management can have private conversations with workers that will not lead to discipline—issuing a warning or other disciplinary action, for example. On the other hand, workers should know that a casual conversation with a supervisor that starts harmlessly (over work, for example), but begins to lead to the possibility of trouble, can be stopped until a steward can be asked to be present.

EVERYONE REPRESENTED

Local officers and stewards also have a right to be represented—don't fall for a common company line that stewards and officers "don't need further representation. All union members have this right.

Weingarten Rights can be a powerful tool to help defend NYSNA members' rights. But remember, these rights are worthless if you don't enforce them on the job!

Public employees are not covered by Weingarten Rights under the National Labor Relations Act but by similar state regulations in Iowa, Connecticut and West Virginia. Public employees in other states should investigate what protections are provided—they may well be identical.



DON'T LEAVE HOME WITHOUT IT!

Make sure your members know their Weingarten Rights. Several NYSNA locals print a card for their members to carry in case they need to ask for a steward. It should be presented to management when a worker is facing disciplinary action — or is concerned that a situation could lead to disciplinary action.

NO WEINGARTEN CARD?

If your union or local does not have pre-printed cards, we've got two solutions:

Download our ready-to-print Weingarten Card templates which are designed to fit Avery 5371/8371 (or equivalent) business card stock. Print them ... and make sure your members all have (at least) one! Keep some extras on hand, too! Templates available in:

- [English](#)
- [Spanish](#)
- [Portuguese](#)
- [Polish](#)

Make your own card by copying the following text, printing it and putting it in your wallet!

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that my NYSNA Steward or union officer be present at the meeting. Without representation, I choose not to answer any question." (This is my right under a Supreme Court Decision called Weingarten)