

# Your Rights in an Investigatory Interview

Under the Supreme Court's Weingarten decision, when an investigatory interview occurs, the following rules apply:

**Rule 1. The employee must make a clear request for union representation before or during the interview.**

The employee cannot be punished for making this request.

**Rule 2. After the employee makes the request, the employer must choose from among three options.** The employer must either:

- a. **Grant the request and delay questioning** until the union representative arrives and has a chance to consult privately with the employee; or
- b. **Deny the request and end the interview immediately;** or
- c. **Give the employee a choice of** 1) having the interview without representation or 2) ending the interview.

**Rule 3. If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice** and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

## Employees have Weingarten rights only during investigatory interviews.

An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct.

If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has a right to request union representation.

### YOUR UNION RIGHTS

- You have the right to ask to have a union Steward or Officer present if management asks questions that could lead to discipline.

Tell them: **"I request that my union representative, officer, or steward be present at this meeting.** Without representation, I choose not to answer any questions."

- Don't sign or agree to anything before talking with the union.
- "Obey now, grieve later." Follow any order by management unless it is clearly illegal or unsafe. If you feel it violated the contract, you should contact the Union to file a grievance after work or during your break as soon as possible.
- Know your Rights, know your Contract, know your Steward.

**See your Steward, Unit Officer or Business Agent for your copy of the ILWU Union Rights card.**



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Questions? Contact your Steward, Unit Officer, Business Agent, or call the Division Office nearest you.

Hilo (808) 935-3727 • Honokaa (808) 775-0443 • Wailuku (808) 244-9191 • Lihue (808) 245-3373 • Honolulu (808) 949-4161 • Hawaii Longshore (808) 949-4161.