

Rights and Responsibilities in Formal Discussions and Weingarten Meetings

It is imperative that managers and supervisors understand what union representatives can, and cannot do, when you conduct these meetings. At both of these types of meetings, the union is permitted to take an active role by asking questions and advocating the union's position. However, there are limits, as you'll see below.

Formal Discussions

Once notified of a formal discussion, the union may, or may not choose to send a representative to the meeting. They are permitted to choose which representative to attend. The union can also ask management about the subject matter of the meeting, and request a reasonable delay to send a representative that is well versed in the subject matter. (In Labor Relations, the definition of "reasonableness" depends on a variety of factors. When in doubt, please consult with your servicing labor relations specialists before acting on the request.)

During the meeting the union has a right to ask clarifying questions, make comments relevant to the subject, and represent the interests of the bargaining unit. However, they are not entitled to disrupt or unduly delay the meeting.

During formal discussions union representatives cannot:

1. Unreasonably delay the meeting because a particular representative is unavailable.
2. Insist that more than one representative attend the meeting.
3. Demand that the issues be discussed solely with the union prior to the meeting.
4. Engage in arguments that interfere with the meeting.
5. Raise issues not related to the topic at hand.
6. Take charge of the meeting.
7. Disrupt the meeting.

It can be helpful to start a formal discussion by establishing ground rules and reinforcing the roles of those in attendance.

Weingarten Meetings

Similar to formal discussions, the union may designate the representative of their choice to attend

a "Weingarten meeting," ask management what the investigation is about, and request a reasonable delay in order to provide a representative that is familiar with the matter at hand. Managers may allow the union representative to briefly consult with the employee before the meeting.

The union representative's primary role is to ensure that the employee has an opportunity to present favorable facts and extenuating circumstances, to clarify questions being asked, to consult with the employee during the meeting, and raise relevant issues related to the investigation.

During Weingarten meetings, union officials cannot:

1. Unreasonably delay the meeting because a particular representative is unavailable
2. Insist that more than one representative attend the meeting
3. Demand that the questions be given to them prior to the meeting
4. Hide or confuse facts
5. Answer questions for the employee, or interrupt the questioning of the employee
6. Raise unrelated issues
7. Disrupt, impede or delay the meeting

Review

The most important thing to remember when conducting these two types of meetings is that these are management's meetings. It is essential that you actively guide the tone and progress of the meeting. By doing so, you can prevent confusion in the future. It also gives you an opportunity to show you understand the rights, responsibilities and limits of both parties.

For both types of meetings, remember to check your applicable collective bargaining agreement to see if the agreement grants any additional rights to the union. If you have any questions regarding management's or the union's roles in formal discussions or Weingarten meetings, and in particular if you want to know how to handle a situation where the union representative fails to abide by the "rules of engagement," contact your servicing labor relations specialist.

Note

Management is required to inform National Guard Technicians annually of their Weingarten Rights. Sample templates are posted on the GKO Labor Relations website for assistance.