

A MATTER OF LAW: THE WEINGARTEN RIGHTS

If a teacher is asked to see an administrator the teacher should immediately ask what the issue is. The famous "See me" notes from an administrator should be followed by a "What is this about?" note from the teacher.

If the teacher perceives it to be a matter of discipline, the teacher should immediately request that a union representative be asked to come to the meeting. Most administrators know this and many will even suggest it before the meeting.

A TEACHER SHOULD NOT GO INTO A MEETING THAT MAY LEAD TO DISCIPLINARY ACTION WITHOUT A UNION REPRESENTATIVE. The union representative should have time to talk to the teacher beforehand and should ask for a postponement if need be. The request is a reasonable one and allows the teacher and the union to get information they need. It will also allow the school union representative to contact the union officers who may decide to handle the representation by bringing someone from out of the school to represent the teacher.

The union representative is at the meeting as the teacher's advocate and the teacher should listen carefully to the advice of that union representative. In many cases the union representative will instruct the teacher not to answer certain questions. It is normal for the teacher to want to tell his/her side of the story but it may not be the appropriate time.

The union representative, by law, has equal authority to the administrator in asking questions, while representing the teacher.

IF YOU ARE IN A MEETING WITHOUT REPRESENTATION AND YOU PERCEIVE IT TO BE ABOUT DISCIPLINING YOU, THAN YOU SHOULD IMMEDIATELY ASK FOR THE MEETING TO STOP UNTIL A UNION REPRESENTATIVE IS AVAILABLE.

All this information is a result of a decision in law known as the WEINGARTEN RIGHTS.

The four criteria that need to be met are:

1. **Is the meeting between a member of the bargaining unit and a management representative?**
2. **Is the meeting an examination in connection with an investigation?**
3. **Can the employee reasonably fear disciplinary action will result from the meeting?**
4. **Has the employee requested representation by the union?**