

## **When Questioning by the Boss Could Lead to Discipline...**

### **Ask for Union Representation**

Unlike non-Union companies, as a member of the represented Bargaining Unit, you have a contractual right under the Railway Labor Act (RLA) to have a Union representative at your side.

When management begins to ask you questions that could lead to your being disciplined, you do not have to face it alone. If you have a reasonable belief that answers you give to the boss could lead to discipline, the U.S. Supreme Court says you can refuse to answer any questions until the Union representative is on the scene and has had a chance to talk things over with you first.

It is your right to have the representative present during the questioning to advise you, ask supervisors for clarifications, and provide additional information at the end of the session.

If you are called at home and asked the same kinds of questions, you have a right to insist on waiting to answer them in the presence of a representative.

Once your Union representative is allowed to participate, you are required to answer the questions truthfully.

These protections are known as your Weingarten rights—named after the 1975 case in which the court decided your rights exist.

The Weingarten ruling applies specifically to Union members covered under the National Labor Relations Act. However, a similar right is negotiated into your Collective Bargaining Agreement that covers you under the Railway Labor Act (RLA).

## **The Boss Doesn't Have To Offer You Union Representation**

You have to know your right and ask to use it.

Once you have asked for Union representation, any attempt by management to continue asking questions before a representative gets there is illegal. If supervisors pressure you by telling you "you're only making things worse for yourself" by asking for a representative, that is against the law too.

What to Say if Management Asks Questions That Could Lead to Discipline

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that my Union representative be present at the meeting.

Without representation, I choose not to answer any questions."