



Know Your Rights!

Just Cause: The Seven Tests

1 Notice

Did the Employer give to the employee forewarning of the possible or probable consequences of the employee's disciplinary conduct?

2 Reasonable Rule or Order

Was the Employer's rule or managerial order reasonably related to (a) the orderly, efficient and safe operation of the Employer's business, and (b) the performance that the Employer might rightly expect of the employee?

3 Investigation

Before disciplining the worker, did the employer make an effort to discover whether the worker actually violated or disobeyed a rule / employer directive?

4 Fair Investigation

Did the employer conduct a fair and objective investigation?

5 Proof

During the investigation, did the employer find substantial evidence or proof that the employee actually violated a rule or disobeyed a directive?

6 Equal Proof

Has the employer applied its rules, orders, and penalties even-handedly?
Did they apply the rules the same to all employees?

7 Penalty

Did the employer discipline the employee reasonably as it related to (a) the seriousness of the employee's proven offense, and (b) the employee's record and service with the employer?



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Weingarten and Contract Rights

1 Union Members Have The Right To A Union Representative

In any meeting or investigation that may lead to the discipline we may have a steward and/or Union Representative. The NLRB has upheld that when a manager says, “come into my office” is enough to believe that the meeting ‘may lead to discipline.’

2 The Right To Know The Subject Matter of the Interview

Employees and stewards have a right to know what specific subjects and issues will be addressed in the interview. Do not let management go on a fishing expedition.

3 The Right To Have A Private Conversation

The steward must be allowed to take the worker aside for a private pre-interview conference before questioning begins and at any time during the meeting with management.

4 The Right to Speak During the Interview

The steward is allowed to speak during the interview. During this meeting, the steward is considered to be the same status as management.

5 The Right to Ask for Clarification

The steward can ask that the supervisor clarify a question so that the worker can understand what is being asked.

6 The Right To Counsel

Before questions have been asked the steward can give advice on how to answer the questions.

7 The Right To Inform

When the questioning ends, the steward can provide additional information.

8 The Limits of Weingarten

If Weingarten rights are honored, stewards have no right to tell workers to lie or to refuse to answer questions.

**If you feel that your rights have been violated
please contact a steward or union representative.**