

“Weingarten” Rights

1. On July 18, 2007, Governor Spitzer signed legislation codifying “*Weingarten*” rights for public sector employees in New York State.
2. As a result of the Weingarten Rights Bill, a public employee has a right to union representation in an investigatory interview with an employer if the employee reasonably believes that the interview will lead to discipline.
3. The employee must demand such representation.
4. The employer need not notify the employee of his or her right to demand representation.
5. The representative must be a representative of the employee organization (*e.g.*, teacher’s association) or its designee. The employee cannot demand that the representative be another employee (who is not a union representative) or be a private attorney, friend, family member, spiritual advisor or other advisor with no connection to the union.
6. “[i]f representation is requested, and the employee is a potential target of disciplinary action at the time of questioning, a reasonable period of time shall be afforded to the employee to obtain such representation.”
7. Such representational rights, however, apply only to investigations made by employers and expressly do not apply to criminal investigations.