Don't Go In Alone:
Know Your Right to Union Representation

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Imagine this: you get an email asking you to meet with your manager later today—no agenda, no explanation. You have a gut feeling it might not be good. Whether you work in the private, nonprofit sector or the public sector, if you think the meeting could lead to discipline, you have a legal right to union representation. But you must assert it.

These rights don't kick in automatically. They won't be read to you like a Miranda warning in an episode of Law and Order. You need to know them—and use them.

For Private Sector Workers: Weingarten Rights

Under federal law (the National Labor Relations Act), union-represented workers have the right to request union representation in any investigatory meeting that could lead to discipline. This includes questioning related to alleged misconduct or performance concerns.

If you're unsure what the meeting is about, but you suspect it might involve discipline, say:

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer or steward be present at the meeting. Without representation, I choose not to answer any questions."

Once you assert this right, the employer must:

- Wait for your representative,
- End the meeting, or
- Give you the choice to continue without representation (which you should decline).

If they continue questioning you without honoring your request for union representation, it could be an Unfair Labor Practice under federal law, and you should not answer any questions or offer any information.

For Public Sector Workers in New York: Weingarten Rights under Civil Service Law §75 & the NYC Collective Bargaining Law

If you're a public employee covered by New York State Civil Service Law §75 (if this is every public sector worker at 1180 then we should say that here so they know), the law goes further. You have a right to representation during questioning when it appears you may become the subject of disciplinary action—and your employer must give you advance written notice of that right.

Key protections under Section 75:

- The employer must notify you in writing, in advance, that you have the right to representation.
- If you request representation, you must be given a reasonable amount of time to obtain it.
- If the employer fails to give you time or proceeds anyway, any statements or evidence they obtain may be excluded from your hearing.
- You have the right to stop a meeting at any time and demand your union representative when it appears you may become the subject of disciplinary action. Even if the employer fails to give you a notice: invoke the right to have your union representative present.

These protections are also enforced under the New York City Collective Bargaining Law (NYCCBL). Under Section 12-306(a)(1), it is a violation of the law (an improper practice) for a City agency to deny an employee union representation at a meeting where the employee reasonably believes discipline may result—once the employee has made that request.

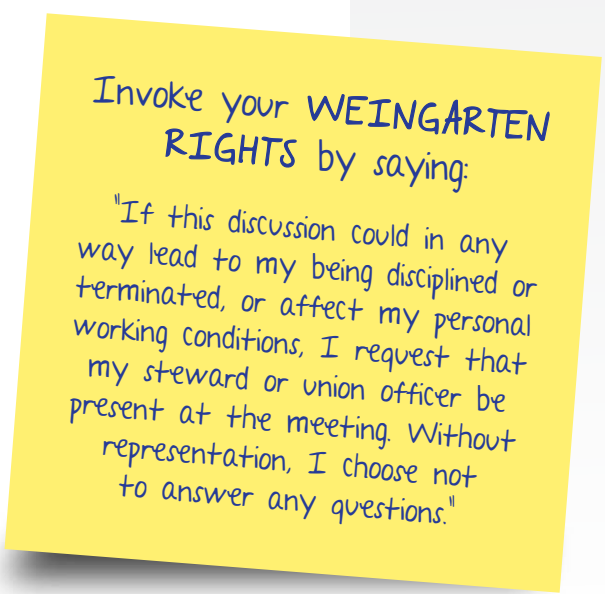
In other words: the right exists—but you must speak up and invoke it. Your employer has no obligation to offer it unless you ask.

When These Rights Apply

- If you're being questioned about a complaint, incident, or possible misconduct
- If your job, pay, or continued employment could be affected
- If you're unsure but want to be safe—invoke your rights anyway

When They Don't Apply

- General staff updates or team meetings
- Conversations unrelated to discipline or performance
- One-way communication (like receiving a warning with no discussion)



Don't Fall for It: Representation Is **Your Right**

Employers don't always outright deny your right to a union representative. Instead, they often try to talk you out of using it. This is a common tactic to isolate you and weaken your protections. You might hear things like:

- "This is just an informal chat."
- "You don't need anyone else in the room—it's nothing serious."
- "Having a rep here will just complicate things."
- "Let's keep this between us."
- "You'll look better if you handle this on your own."
- "You don't need anyone else in the room—we're just having a friendly conversation."
- "We're a family here. You can trust me."
- "Don't make this into a bigger deal by bringing in the union."
- "You'll look more cooperative if you come alone."

Don't take the bait. These phrases are designed to make you feel safe going in alone, but they often mean there's something serious going on. If the meeting is truly harmless, then there's no reason not to have your union rep present.

Remember: your right to representation is your legal shield—use it before the conversation begins. Once you're in the room, it may already be too late.

Final Word

If there's even a chance that discipline might come up, say the words. Ask for your union rep. You are not alone, and your union is here to defend your rights—but those rights start with you asserting them.