

SAN ANTONIO ALAMO AREA LOCAL # 195
American Postal Workers Union

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Rights and Role of Steward During an Investigative Interview

STEWARD RIGHTS:

- The steward must be allowed to advise and assist the employee in presenting the facts.
- When the steward arrives at the meeting: The supervisor or manager must inform the steward of the subject matter of the interview: in other words, the type of misconduct being investigated.
- The steward must be allowed to have a private meeting with the employee before questioning begins.
- The steward can speak during the interview, but cannot insist that the interview be ended.
- The steward can object to a confusing question and can request that the question be clarified so that the employee understands what is being asked.
- The steward can advise the employee not to answer questions that are abusive, misleading, badgering, or harassing.
- When the questioning ends, the steward can provide information to justify the employee's conduct.

Investigative Interview:

Date of Investigative Interview: _____

Time Started: _____ Time Ended: _____

Location/Facility/Installation: _____

Room where the Investigative Interview was conducted: _____

Attendees:

Name of Employee: _____

EIN: _____

APWU Representative: _____

Management Official: _____

OIG Agents: _____

Postal Inspectors: _____

Other Attendees: _____

At the beginning of the investigative interview read the following:

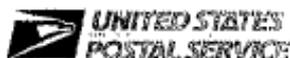
- Before administering the discipline, management should conduct an investigation to determine whether the employee committed the offense.
- The investigation should be thorough and objective.
- The investigation should include the employee's "day in court privilege."
- The employee should know with reasonable detail what the charges are and should be given a reasonable opportunity to defend themselves before the discipline is initiated.

First Question:

What is the Employee being charged with?

Second Question:

Provide the date, time and location of the incident/violation:



January 19, 2010

ALL MANAGERS AND SUPERVISORS

SUBJECT: Information Requests and *Weingarten* Rules

The purpose of this memo is to remind you of two extremely important responsibilities related to your position with the Postal Service – the handling of information requests and adherence to the *Weingarten* rules. As a Postal Service supervisor, you are required to:

1. **promptly provide information requested by union representatives; and**
2. **allow employees to consult with a union steward under the *Weingarten* rules.**

Responding to Information Requests:

When you receive a request for information from a union representative, you must act promptly after receiving the request. There is no specific statutory time target, but a good rule of thumb for routine requests is to respond within five days of receiving the request. Do not wait until you have all the information if some information can be supplied quickly, but other information will take much longer to provide. If you need assistance in responding to a request, immediately contact District Labor Relations for help. Do not ignore requests or assume that you can wait a week or two to work on the request before responding.

***Weingarten* Rules:**

Employees, upon request, must be given access to a steward before and during any "investigatory interview." An investigatory interview or pre-disciplinary interview (PDI) is any conversation which the employee reasonably believes may lead to discipline. If requested, you must permit the employee and the steward to meet privately for an adequate period of time before the meeting. During the interview, you must permit the steward to participate and advise the employee.

Training:

Two short videos are available to explain the duty to supply information and the *Weingarten* rules. You will find the videos on the USPS-TV On Demand webpage, <http://blue.usps.gov/pac/uspstv/vodlist.htm>. The links to the videos are located in the Employee Awareness section, under the following titles:

- "Unions, Part 1: *Weingarten* – What You Need to Know"
- "Unions, Part 2: The Duty to Supply Information"

Contact Your District Labor Relations Office:

Complying with the *Weingarten* rules and the duty to provide information can sometimes be complicated. If a question arises regarding any of the above, ask Labor Relations before denying an employee's request for a steward or denying a request for information. When appropriate, Labor Relations will contact the Law Department for advice.


Doug A. Tulino