

LABOR RELATIONS



October 24, 2007

William Young  
President  
National Association of Letter Carriers  
100 Indiana Avenue NW  
Washington DC 20001-2144

Dear Bill:

This letter is a follow-up to my July 11 correspondence regarding issuance of a wallet-sized *Weingarten* card.

Enclosed you will find the final letter and laminated card that were mailed to all managers, supervisors, and select postal personnel.

If there are any questions, please feel free to contact Jacqueline Adona of my staff at 202-268-3800.

Sincerely,

A handwritten signature in black ink that reads "John W. Dockins".

John W. Dockins  
Manager  
Contract Administration (APWU)

Enclosures



August 14, 2007

Enclosed is your personal wallet-sized (*PS Form 3979, Weingarten Rules*) card, outlining postal policy allowing employees to consult with a union steward under the Supreme Court's *Weingarten* rules. Employees, upon request, must be given access to a steward before and during any "investigatory interview," meaning any conversation that may lead to the employee's discipline, or which the employee has reason to believe may lead to discipline. This means, among other things:

- If an employee requests a steward at any time in connection with an investigatory interview, you must do one of three things: (1) you must provide a steward, or (2) you must end the interview, or (3) you must offer the employee the choice of continuing the interview without a steward, or of having no interview at all and therefore losing the benefit that the interview might have given to him or her. If the employee initially does not want a steward, but later asks for a steward, a steward must be provided before continuing the interview. **When in doubt, it is better to provide a steward or contact Labor Relations immediately.**

**NOTE:** An interview need not be conducted in a formal setting to be "investigatory." For example, a workroom floor conversation may be an investigative interview.

**NOTE:** A steward is not allowed at a "discussion" under Article 16 because no discipline is involved. If discipline becomes involved, the discussion ends and an interview begins, and the employee is entitled to a steward.

- **The employee and steward must be told the purpose of the meeting before it begins. That is, they must be told what the employee may have done wrong and that discipline may result.**
- **If an employee and/or the steward request a pre-interview consultation, you must permit them to meet privately for an adequate period of time.**
- **You must permit the steward to participate in, and advise the employee during, the interview, as described in greater detail on the *Weingarten* card. However, as also explained on the card, a steward is not permitted to disrupt the meeting. If that happens, you should postpone the rest of the meeting and contact Labor Relations immediately.**
- **IMPORTANT:** Application of the *Weingarten* rule can sometimes be complicated. If a question arises regarding any of the above, **ask a superior or Labor Relations before denying an employee a right to a steward.**

Please use your card whenever you discuss an issue with an employee that might lead to his or her discipline. Some tips for how you may begin the interview are listed on the card.

  
Doug A. Tulino

Enclosure

## USPS Weingarten Card

### USPS SUPERVISOR RESPONSIBILITIES UNDER WEINGARTEN WHEN INTERVIEWING AN EMPLOYEE WHERE DISCIPLINE MIGHT RESULT

Under the *Weingarten* rule, you must allow each employee the following rights in conducting an investigatory interview:

1. Each employee has a right to be represented by a union steward during an investigatory interview (but not during an Article 16 "discussion"). If, before or at any time during the interview, an employee requests a union steward or in any other way indicates that he or she wants representation, you must do one of three things: (1) you must provide a steward, or (2) you must end the interview, or (3) you must offer the employee the choice of continuing the interview without a steward, or of having no interview at all and therefore losing the benefit that the interview might have given to him or her. *When in doubt, it is better to provide a steward or contact Labor Relations immediately.*

2. The supervisor must tell the employee and steward the purpose and subject of the meeting before the meeting begins. (over →)

(Continued from other side)

Then, if either the steward or the employee requests, adequate time must be given to them to talk privately before (or during) the interview.

3. During the interview, you must permit the steward to participate. He or she may ask questions, clarify the employee's answers, comment about the questions, discuss favorable facts, suggest others who have information, and advise the employee. The steward is not allowed to disrupt the meeting or tell the employee not to answer a question. If that happens, postpone the remainder of the meeting and consult your manager or Labor Relations immediately.

4. You may begin the interview, if appropriate, by saying:

- A. You are going to be asked a number of specific questions concerning (*specify the issue causing the interview*);
- B. You are subject to disciplinary action if you refuse to answer or fail to respond truthfully to any questions;
- C. Your steward may advise you and participate in the interview (*assuming the employee has requested a steward*).