



April 20, 2011

TO: All Local Presidents and Staff  
AT&T Southeast Bargaining Units

FROM: Judith R. Dennis  
Vice President – District 3

RE: Premises Technicians – Representation Prior to Contract

Since a number of questions have arisen concerning providing representation to Premises Technicians before we obtain a contract, I am supplementing my earlier memo on this subject.

There are two avenues available to provide representation to Premises Technicians before we obtain a contract. **First**, now that CWA has been certified, Premises Technicians have full Weingarten rights. **Second**, as the certified exclusive collective bargaining representative, in the event a Premises Technician has a “grievance” about terms and conditions of employment, CWA has the legal right to demand a meeting with the Company to attempt to negotiate a resolution of the grievance. The following provides more specific guidance:

### **Weingarten Rights**

As CWA has now been certified as the exclusive collective bargaining representative in the Premises Technician bargaining unit, under the National Labor Relations Act, as interpreted in the Board’s Weingarten decision, Premises Technicians have a right to request representation when asked by management to participate in an investigatory interview that could lead to discipline. However, only Premises Technicians are allowed to serve as such representatives. While this does present an opportunity for leadership development and establishing a network of representatives in this bargaining unit, this also presents a training challenge to assist Premises Technicians in getting up to speed to fulfill this representation role. The District Office can supply both training materials and staff to assist Locals in setting up this training. Until training can be set up, the following guidance should be considered:

(1) In order to trigger a right of representation under Weingarten, the interview with management must be an **investigatory interview** and the employee must have a reasonable belief that the interview could result in **discipline**. When in doubt ask.

(2) If the only purpose of the interview is to announce discipline that has already been decided upon, there is no right to representation. However, because an interview to announce discipline sometimes turns

into an investigatory interview, it is recommended that Premises Technicians always ask for representation if they are called into the Boss' office.

(3) Management has no legal obligation to offer representation, the employee must request it.

(4) If the circumstances are appropriate for a Weingarten representative, and management refuses, the Premises Technician should ask that the interview be terminated.

(5) The Weingarten representative must be an employee in the Premises Technician bargaining unit who is reasonably available. A Premises Technician cannot insist on someone from another location or who is not scheduled to work if there is another potential representative present and available.

(6) In a Weingarten interview, the designated representative stands on an equal footing with management and must be allowed to speak and ask questions. The representative should also be afforded a reasonable opportunity to confer with the employee before the interview begins and to ask for reasonable recesses during the course of the interview to confer, if necessary.

### **Representation by CWA**

As the certified bargaining representative, CWA has a right to insist that the Company meet with at reasonable times and locations and bargain in good faith. This includes bargaining over Premises Technicians' grievances concerning terms and conditions of employment. However, absent an agreement, CWA would not be able to force the Company to arbitrate unresolved grievances.

Also, please note from March 28, 2011 letter if you have an issue that you believe warrants CWA's attention please do the write up and ask your Staff Representative to get all the information to Beverly Gann. District 3 will then request a meeting with Labor Relations to handle the problem.

Should you have any questions or require assistance, please contact appropriate staff.

JRD/bg

C: Donald LaRotonda, Asst. to Vice President  
Thelma Dunlap, Administrative Director  
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