



To: CODE Employees
From: CODE Board
Re: Employee *Weingarten* Rights
Date: October 4, 2023

Dear CODE Bargaining Unit,

As bargaining unit employees, CODE employees have certain rights when they are interviewed as part of an investigation that may lead to discipline; often referred to as *Weingarten* rights. In those circumstances, the employee has the right, and the City is obligated, to provide the employee with union representation during the investigation when the employee requests representation. This includes in-person interviews and situations where employees are asked to write a statement / provide written answers to written questions about what happened.

However, if an employee is being interviewed as a witness to an event, and there is no possible disciplinary action against the employee being interviewed, the employee does not have the right to representation. In such a circumstance, failure to cooperate in the investigation may lead to discipline for insubordination.

For example, an employee being investigated for smoking inside a City vehicle may request union representation in the investigation. An employee who is interviewed because they may have observed another employee smoking inside a City vehicle is not entitled to representation.

If you are interviewed or asked to provide a written statement / answer questions in lieu of an interview, please ask if the outcome of the interview could result in corrective action. If the answer is “Yes,” you have the right to **respectfully** request union representation prior to participating in the investigation. The investigator should then stop the interview and contact CODE for representation. CODE will then assign a Board Member and/or legal counsel to represent you as the investigation continues.

If you have any questions about the above, please contact CODE at www.codegroup.org.

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