STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789

NGOH-HRO 10 February 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Weingarten Rights

1. Unionized technicians, of the Ohio National Guard, have the right to union representation when they are to participate in informal fact-finding or formal investigations into possible misconduct that could result in disciplinary actions. This right is activated when:

a. One or more agency representatives are examining (questioning) a bargaining unit employee in connection with an investigation;

b. The employee reasonably believes that the examination may result in disciplinary action against the employee; and

c. The employee requests union representation.

2. Once all three conditions have been met, supervisors may generally not continue the examination without allowing the employee his or her requested representation. Specifically, the supervisor's options under these circumstances are:

a. Grant the request and notify the union that a meeting to examine a bargaining unit employee is going to take place and that the employee has requested union representation. If the union attends the meeting, it must be allowed to make relevant comments but cannot disrupt the meeting nor can it answer the questions posed to the employee;

b. Discontinue the interview and rely on evidence already available or information obtained from other sources; or

c. Offer the employee a clear choice to:

(a) continue the interview without representation, or

(b) have no interview.

3. Assistance on this matter can be obtained from Kathy Gulla, Labor Relations Specialist, at (614) 336-7475/DSN 346-7475.

FOR THE ADJUTANT GENERAL:

JAMES R. CAMP
Col, OHANG
Director of Human Resources

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