



JFT BYTES

February 2025

Understanding Your Rights: Weingarten and Garrity for School District Employees

As a school district employee, you are entitled to certain protections when faced with workplace investigations or disciplinary actions. Two crucial sets of rights you should be aware of are your Weingarten Rights and your Garrity Rights. These rights, stemming from landmark Supreme Court cases, provide important safeguards for employees in potentially difficult situations. Understanding these rights and how they work is essential to protecting your career.

Weingarten Rights: The Right to Union Representation

Weingarten Rights, established by the 1975 Supreme Court case *NLRB v. J. Weingarten, Inc.*, guarantee a unionized employee's right to request union representation during an investigatory interview with their employer, provided that the employee reasonably believes that the interview could lead to disciplinary action. An investigatory interview occurs when an employer representative questions an employee to obtain information that could be used as a basis for discipline.

Here are some key aspects of your Weingarten Rights:

- **Right to Representation:** If you are called into a meeting that could lead to discipline, you have the right to have a union representative present. This representative can be a union steward, officer, or fellow employee.
- **Employee Must Request:** You must explicitly ask for union representation. The employer is not required to inform you of this right, and a third party cannot make the request on your behalf.
- **When to Request:** You should request representation if you believe the meeting could result in any disciplinary action, including discharge, demotion, or other adverse consequences. If you are unsure of the purpose of the meeting, ask your manager if it could result in discipline.
- **Employer Options:** Once you request representation, your employer has three options: grant your request and delay questioning until your representative arrives, deny the request and end the interview immediately, or offer you the choice of continuing the interview without representation or ending the interview.
- **Active Role of Representative:** Your union representative can play an active role in the meeting. They can provide advice, clarify questions, and present additional information. They are not just a witness.
- **Right to Refuse Questions:** If your employer denies your request for representation and continues to ask you questions, they are committing an unfair labor practice, and you have the right to refuse to answer.

It is important to use your Weingarten rights to protect yourself. If you believe a meeting could lead to discipline, use the following statement:

“If this discussion could in any way lead to my being disciplined or terminated, I respectfully request that my steward be present at the meeting. Without representation present, I choose not to respond to any questions or statements.”

Garrity Rights: Protection Against Self-Incrimination

Garrity Rights, established by the 1967 Supreme Court case *Garrity v. New Jersey*, protect public employees from being compelled to incriminate themselves in workplace investigations. These rights are based on the Fifth Amendment of the U.S. Constitution, which protects individuals from being forced to testify against themselves in criminal proceedings. Garrity Rights apply specifically to public employees because the government is their employer.

Here are some important points regarding Garrity Rights:

- **Protection Against Self-Incrimination:** Garrity Rights ensure that statements you make during an internal investigation cannot be used against you in a criminal trial.
- **Assertion of Rights:** Unlike Weingarten Rights, it is your responsibility to assert your Garrity Rights. You must explicitly state that you are doing so.

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- **When to Assert:** You should assert your Garry Rights whenever you believe you are being investigated for possible criminal conduct.
- **Management Obligations:** Once you have asserted your Garry Rights, management must give you a direct order to answer specific questions related to your duties, advise you that your answers will not be used against you in a criminal proceeding, and allow union representation if you also assert your Weingarten rights.

To invoke your Garry Rights, use the following statement:

“If you are investigating me for violations of work rules which are the result of allegations of criminal conduct, I wish to assert my Garry rights before making any statements or answering any questions.”

How Weingarten and Garry Rights Work Together

It is important to understand that Weingarten and Garry rights are distinct but can overlap. If, during an investigatory interview where you requested union representation, it becomes apparent that criminal misconduct is involved, you should assert your Garry Rights as well. In such a case, management should assure you that the questioning is for disciplinary purposes and your answers cannot be used in a criminal proceeding.

Understanding and utilizing both your Weingarten and Garry Rights is critical to protecting your job and your rights as a public employee.

References

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The School District of Osceola County, Florida. (n.d.). Weingarten Rights, Garry Rights, and Loudermill Rights. Retrieved February 12, 2025, from <https://www.osceolaschools.net/site/handlers/filedownload.ashx?moduleinstanceid=3833&dataid=30254&FileName=Weingarten-Garry-Loudermill%20Rights.pdf>

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BLACK HISTORY IS AMERICAN HISTORY

February is Black History Month, a time to celebrate the rich and complex history of African Americans. It's a time to remember the struggles, the triumphs, and the immense contributions of Black individuals to our nation's story. But Black history is not just for February; it's an integral part of American history, and understanding it is more critical now than ever. Our students deserve a comprehensive education that reflects the diversity of our nation. Black history is not just about the Civil Rights Movement, though that period is undeniably crucial. It's also about recognizing the countless Black leaders, inventors, writers, actors, and singers who have shaped American history and culture. From the scientific brilliance of Dr. Charles Drew to the literary genius of Toni Morrison, from the groundbreaking performances of Alvin Ailey to the musical innovations of Chuck Berry, Black Americans have left an indelible mark on every facet of our society.

By teaching Black history, we empower our students with a more accurate and complete understanding of the past. We help them see the interconnectedness of all Americans and foster a sense of belonging for all students. We also equip them with critical thinking skills to analyze historical narratives and challenge biases.

This Black History Month, let's commit to going beyond the surface. Let's delve deeper into the stories of unsung heroes, explore the richness of Black culture, and celebrate the enduring legacy of Black Americans. Let's make Black history a part of our curriculum year-round, ensuring that our students understand that **Black history is American history.**

From the Desk of the President

Greetings JFT Members, I hope everyone is doing well. I wanted to check in and let you all know that I have been working behind the scenes to help make things better for you. It hasn't been very long since I was in the classroom, so I am aware and sensitive to the concerns that you all bring to my attention. I want you to know that I am here for you and have the strongest desire to play an integral part in addressing your issues. Since taking office in July 2023, that has been a very big challenge and quite the process. There are many times that I am faced with obstacles and pushback from school administrators when I step up to support members who contact me that are in need. I know that this may leave those in need feeling as if we are not working to support you. We are doing our very best. Recently, my leadership team and I had the opportunity to meet, face-to-face, with Deputy Superintendent, Dr. Michael Cormack, in order to let him know what our vision is and some of the most common issues and concerns that teachers throughout the district are dealing with. The meeting went very well and we are hopeful that this will help us become more effective Union Leaders for you, our members. We are working on continuing to build that relationship.

This year has been one of continued learning and growing for the leadership team and Organizers. With professional training through AFT National, we have obtained a good variety of skill sets to enable us to offer more valuable information, training and support for our members as well as be more attractive to prospective members. Also, we offer Professional Development (PD) courses throughout the school year and summer, free of charge for our members, and for most courses, an opportunity to obtain CEUs, along with our Teacher Leader Program from October-April of each year (comes with a substantial stipend upon completion). You can find all of this information on our website at www.jftpsrp.com

Lastly and on another note, we obtained a grant from AFT and were able to purchase approximately \$5,000 worth of books and we are excited about this opportunity. The plan is to hold a Community Book Giveaway and Union-sponsored event in the city of Jackson in order to gain the community's attention and support to make our vision for JFT a reality. Keep an eye on our website and Facebook page for the detailed information. Also, I have been working on getting involved with local community organizations, such as, The MS AFL-CIO, MS NAACP, One Voice and Women For Progress, while actively seeking ways to connect with our legislators to let them know our stance on current educational issues in our state.

I hope this information is helpful and I look forward to continuing to work with you and for you, because, "Happy Teachers Create Great Future Leaders". Stay safe and thank you for all that you tirelessly do.

Ebony P. Rice, JFT&SRP President

We want to hear from you!

"Please reach out to us and let us know about different things happening in your lives, the good and the bad, so that we can stay connected and be aware, as well as send cards when appropriate." -- *Ebony P. Rice, JFT President*

THE LATEST EPISODES



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From the Treasurer

If you have changed bank accounts, banking institutions, or you have a credit/debit card that has recently expired, please contact the office to update your payment information. We want to keep your membership on track.

Worksite Issues Form



Eyes on the Legislature

The Jackson Federation of Teachers does **not** support any form of school “choice,” nor do we support bills that underfund or harm the public school system.

Use this QR Code to access The Parents’ Campaign, one of our partners.



Use this QR Code to access One Voice’s *Protecting Public Schools Toolkit*

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UNION OFFICE HOURS

The Union House is normally staffed from 8:00 AM - 5:00 PM, Monday through Friday. We are generally closed when JPS is closed for a holiday.

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