

## REPRESENTATION RIGHTS IN INVESTIGATIVE INTERVIEWS AS DETERMINED BY THE COURTS

Robinson v. State Personnel Board (1979) 97 Cal App 3d 994

“We conclude that a **state** employee has a right to union representation at a meeting with his superiors held with a significant purpose to investigate facts to support disciplinary action and may not be dismissed for attempted exercise of that right. ...”

NLRB v. WEINGARTEN, INC., (1975) 420 U.S. 251

The employer violated 8 (a) (1) of the National Labor Relations Act because it interfered with, restrained, and coerced the individual right of an employee, protected by 7, "to engage in . . . concerted activities for . . . mutual aid or protection . . .," when it denied the employee's request for the presence of her union representative at the investigatory interview that the employee reasonably believed would result in disciplinary action.

LYBARGER v. CITY OF LOS ANGELES (1985) 40 Cal. 3d 822, 829

The peace officer must be told:

“...among other things that although he had the right to remain silent and not incriminate himself, (1) his silence could be deemed insubordination, leading to administrative discipline, and (2) any statement made under the compulsion of the threat of such discipline could not be used against him in any subsequent criminal proceeding.”