



Leura Collins' bad day

Many carriers are aware of their right to have a union representative present during any interview with management that they reasonably believe could lead to discipline. Some know that this right is derived from a Supreme Court decision some years back, but few are aware of how that decision came about. It's a story worth telling.

J. Weingarten Inc. operated a chain of grocery stores in Texas, Arkansas and Louisiana. From a single store in the early 1900s, Weingarten's expanded to more than 100 stores by the 1970s. The company's outlets included two types of establishments: stores with lunch counters and those with lobby (take-out) food operations. In 1961, Leura Collins was hired as a salesperson at Store #2, a store with a lunch counter, where she worked for nine years. In 1970, Collins was transferred to Store #98, a lobby food operation, where she again worked as a salesperson. As a Weingarten salesperson, Collins was represented by the Retail Clerks Union.

In June 1972, after a co-worker had reported to management that Collins was taking money from the cash register, Weingarten "loss prevention specialist" Don Hardy spent two days observing the store and informed the store manager that he could find nothing wrong. The manager told Hardy that a co-worker had just reported that Collins had taken a \$2.98 box of chicken and put only \$1 into the cash register. Collins was immediately summoned to an interview with the manager and Specialist Hardy.

At the meeting, Collins repeatedly requested union representation but her requests were denied. The interview continued and Collins explained that the "lobby" had run out of small boxes, so she had to use the large size (\$2.98) box to hold her small (\$1) order of chicken. Hardy was able to verify with another employee that they had indeed run out of small boxes and no one could verify how many pieces of chicken were in the box. Hardy apologized to Collins for the confusion and prepared to release her. Collins then burst into tears and exclaimed that the only

thing she had ever taken from the store without paying was her "free lunch."

This prompted renewed questioning from Hardy because, while the company provided employees free lunches at lunch counters like the one where Collins had previously worked, it did not provide free lunches at stores with lobby operations where she now worked. Collins again requested and was refused the presence of a union representative. Based on his questioning of Collins, Hardy prepared a statement that Collins owed \$160 for lunches, which she refused to sign. Hardy then contacted company headquarters and found it was uncertain whether the policy against free lunches was even in effect at that store. It was later discovered that most, if not all, employees at Store #98, including the manager, took free lunches because they had never been informed not to. As a result, Hardy ended the questioning and the store manager asked Collins to keep the inquiry private.

But Collins did not keep silent. She reported to her shop steward what had happened. As a result, an unfair labor practice proceeding was brought before the National Labor Relations Board (NLRB). The NLRB found that Weingarten had engaged in an unfair labor practice by refusing Collins a representative and issued a cease-and-desist order. Weingarten appealed the NLRB's decision to the United States Court of Appeals for the Fifth Circuit, which sided with Weingarten and refused to enforce the NLRB order. The NLRB then appealed the Circuit's ruling to the Supreme Court, which issued a decision in 1975 establishing what are known as Weingarten rights. These rights are explained in detail in the *JCAM* beginning on page 17-6.

There are a number of lessons to be learned from this story, but one of the most important is what can happen when a single employee is not afraid to tell her shop steward that she has been mistreated by management. Were it not for the brave actions of Leura Collins, it is possible that thousands, if not millions, of workers called into investigatory interviews in subsequent years would have had to face management alone. ☒