Letter carrier rights and warnings when questioned

One of the important rights letter carriers have is the right to have a steward present when questioned by management, the Office of Inspector General (OIG) or postal inspectors if asked a question that they believe may reasonably lead to discipline. This right is known as the Weingarten rule or Weingarten rights. Weingarten rights have been afforded to employees because of the 1975 U.S. Supreme Court ruling NLRB v. J. Weingarten, 420 U.S. 251.

Normally, managers will have a pre-disciplinary interview or an investigatory interview with a carrier if the manager suspects the carrier did something for which he or she should be disciplined. If you are given one of these interviews, your manager is looking for information to use against you so he or she can discipline you.

All letter carriers have Weingarten rights, which means the right to have a union steward present during a meeting in which management asks you questions that you believe could lead to discipline. Every letter carrier should follow this advice:

- If asked a question concerning something you allegedly did wrong, you should request a steward.
- If you are asked a question concerning something you allegedly did wrong, you should request a steward.

If you are interviewed by a postal inspector or OIG agent, you may be given additional warnings. Most people are familiar with Miranda warnings from television, but there are others that every letter carrier should be familiar with. Garrity and Kalkines are two other types of warnings:

- A Garrity warning advises suspects of their criminal and administrative liability for any statements made, but also advises suspects of their right to remain silent on any issues that may implicate them in a crime.
- A Kalkines warning requires employees to make statements and cooperate, even if it could lead to being disciplined or discharged, but provides criminal immunity for their statements.

Whether or not an employee’s belief is “reasonable” depends on the circumstances of each case. Some cases are obvious, such as when a supervisor asks an employee whether he discarded deliverable mail.

If you are visited by the OIG or asked questions about misdeeds and cooperate, even if it could lead to being disciplined or discharged, but provides criminal immunity for their statements.

If you are interviewed by a postal inspector or OIG agent, you may be given additional warnings. Most people are familiar with Miranda warnings from television, but there are others that every letter carrier should be familiar with. Garrity and Kalkines are two other types of warnings:

- A Garrity warning advises suspects of their criminal and administrative liability for any statements made, but also advises suspects of their right to remain silent on any issues that may implicate them in a crime.
- A Kalkines warning requires employees to make statements and cooperate, even if it could lead to being disciplined or discharged, but provides criminal immunity for their statements.

If a carrier is given one of these warnings, and there is reason to believe that the carrier may be subject to criminal prosecution, the individual should consult an attorney immediately in addition to exercising his or her Weingarten rights.

For more information on Weingarten rights and the warnings mentioned above, please see the recently updated 2019 Letter Carrier Resource Guide on the NALC website at nalc.org/resourceguide. This information is thoroughly covered on pages 23-28 of this guide.

Happy Holidays!