DISCUSSION OF A CONTEMPORARY ISSUE:
THE RIGHTS OF NONUNIONIZED EMPLOYEES
TO WITNESSES AT INVESTIGATORY INTERVIEWS
THAT COULD LEAD TO DISCIPLINE

Let us suppose that we have a non-unionized operation—a plant, an office, a
laboratory, etc. Suppose further that a supervisor has a problem with the per-
formance of one of his or her subordinates and invites the underling into the office
for a discussion of the problem. Suppose further that the subordinate declines to
proceed with the requested interview unless that supervisor permits him or her to
include a witness to the discussion.

That is the issue addressed in the next three articles. It is an issue that has been
addressed repeatedly by the National Labor Relations Board and by the courts,
and JIER has published three articles on the topic since I became editor in 2001.
On June 9, 2004, the National Labor Relations Board reversed its previous policy
and declared that employees who were not members of an organized bargaining
unit did not have the right to have a coworker present during investigatory
interviews that could lead to discipline. The three authors that we previously
published on this topic submitted follow-up articles on the new decision. I thought
that the three approaches were sufficiently different that JIER could publish
all three sets of insights without being particularly redundant. I hope that the
readers agree.